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JOURNAL
OF
THE COUNCIL

OF THE

Fourth Legislative Assembly of Wisconsin,

DURING THE FIRST AND SECOND SESSIONS THEREOF,

**BEGUN AND HELD AT MADISON, ON THE 5TH DAY
OF DECEMBER, A. D. 1842.**

Published by authority of the Legislative Assembly.

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JOURNAL
OF
THE COUNCIL
OF THE
LEGISLATIVE ASSEMBLY OF WISCONSIN;

BEGUN and held at Madison, W. T., on Monday, the fifth day of December, in the year of our Lord one thousand eight hundred and forty-two, in conformity with the provisions of the act entitled "an act relative to the sessions of the legislative assembly;" being the first session of the fourth legislative assembly.

At twelve o'clock, M., the roll was called by the secretary, when the following members, who had presented certificates of election, appeared and took their seats, viz:

From the district composed of the counties of Brown, Manitowoc, Sheboygan, Calumet, Fond du Lac, Winnebago, Marquette and Portage—MORGAN L. MARTIN.

From the district composed of the counties of Milwaukee and Washington—HANS CROCKER, LEMUEL WHITE and DAVID NEWLAND.

From the district composed of the counties of Walworth and Rock—CHARLES M. BAKER and EDWARD V. WHITON.

From the district composed of the counties of Jefferson, Dane, Green, Dodge and Sauk—LUCIUS I. BARBER.

From the district composed of the county of Iowa—MOSES M. STRONG.

From the district composed of the county of Grant—JOHN H. ROUNTREE.

From the district composed of the counties of Crawford and St. Croix—THEOPHILUS LA CHAPELLE.

A quorum being present,

On motion of Mr. Newland,

The Hon. David Irvin, associate justice of the supreme court, was introduced, and the oath of office administered by him to members who had not been previously sworn.

On motion of Mr. Strong,

Resolved, That Nelson Dewey, Esquire, member elect from the county of Grant, (who appeared without a certificate,) be called to the clerk's table, and sworn.

Mr. Dewey thereupon presented himself at the clerk's table, and the oath of office was administered to him.

On motion of Mr. Newland,

Mr. Strong, of the county of Iowa, was appointed president *pro tempore*.

Mr. Whiton moved that Daniel F. Kimball be appointed sergeant-at-arms *pro tempore*.

Mr. Crocker moved to lay the motion on the table;

Which was agreed to.

Mr. LaChapelle moved that John V. Ingersoll be appointed secretary *pro tempore*.

Mr. Whiton moved to lay the motion on the table;

Which was disagreed to.

Mr. Martin then moved to postpone the question on the motion pending, until to-morrow;

Which was agreed to.

Mr. Martin moved that the secretary be directed to inform the house of representatives that the council have temporarily organized, and are ready to proceed to business;

And, pending the question thereon,

Mr. Whiton offered the following resolution in lieu thereof, viz:

Resolved, That the secretary of the council inform the house of representatives that the council have elected a president *pro tempore*, and are prepared to proceed to business;

Which was rejected.

The question then recurred on the motion of Mr. Martin, when, Mr. Whiton moved to amend the same by striking out the words, "the secretary be directed," and inserting in place thereof, the words, "two members of this body be appointed;"

Which was disagreed to.

And the question again recurring on the motion of Mr. Martin, it was put and determined in the affirmative.

On motion of Mr. Newland,

Resolved, That the standing rules of the council of the last session be adopted as the rules of the council at its present session, until others be adopted, except as to the number of officers named in the forty-sixth rule.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

“Mr. President: I am directed to inform you that the house of representatives have organized *pro tempore*, and are ready to proceed to business.”

Mr. Newland presented the following, viz:

Resolved, by the council and house of representatives, that the standing joint rules of the two houses of the last session, be adopted as the joint rules of the two houses at its present session, until others shall be adopted;

And the question being taken thereon, it was determined in the affirmative.

On motion of Mr. Martin,

Resolved, if the house concur, that a joint committee, of two members from each house, be appointed to wait upon his excellency, the governor, and inform him that the two houses of the legislative assembly are temporarily organized, and ready to receive any communication he may have to make to them.

And Messrs. Martin and Whiton were appointed on said committee on the part of the council.

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: I am directed to inform the council that the house of representatives have adopted the joint rules of the two houses of the last session, for the government of the two houses at their present session, until others are prepared and adopted; and have appointed Messrs. Walker and Hopkins of the committee on their part, to wait upon his excellency, the governor, and to inform him that the two houses are now temporarily organized and ready to receive any communication he may have to make to them.”

Mr. Martin, from the joint committee appointed for the purpose, made the following report, viz:

“The joint committee, appointed to wait upon his excellency, the governor, and inform him that the two houses of the legislative assembly are now temporarily organized, and ready to receive any communication he may have to make to them, report: that they have discharged the duty assigned them, and that the governor informed the committee, that ‘not conceiving that the legislative assembly had authority by law to meet at the present time, he had no communication to make to them;’ ”

Which was read, and

On motion of Mr. Newland,

Ordered, to be laid on the table.

On motion of Newland,

The council adjourned until 10 o'clock to-morrow.

TUESDAY, December 6, 1842.

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: The house of representatives have passed a ‘resolution relative to the appointment of a joint committee to inquire into the legality of holding a session of the legislative assembly at the present time,’ in which I am directed to ask the concurrence of this house.”

The resolution referred to in the foregoing message was thereupon read a first and second time; and,

On motion of Mr. Whiton,

The council was resolved into committee of the whole, Mr. Dewey in the chair, for the consideration of said resolution; and after a short time the committee rose and reported the same with an amendment.

The amendment was concurred in, and the resolution was, on motion, ordered to a third reading.

The resolution was thereupon read a third time and passed, and the title thereof agreed to.

The president laid before the council the report of John Y. Smith, commissioner of public buildings, together with accompanying documents. [SEE APPENDIX "A."]

Which was read: and,

On motion of Mr. Martin,

Ordered, to lie on the table.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in the amendment of the council to the 'resolution relative to the appointment of a joint committee to inquire into the legality of holding a session of the legislative assembly at the present time;' and have appointed Messrs. Darling, Tripp and Meeker, of the committee on their part, under the said resolution."

The president thereupon appointed, on the part of the council, Messrs. Crocker, Martin and LaChapelle, of the committee referred to in the foregoing message.

On motion of Mr. Newland,

Ordered, That the report of the joint committee appointed to wait upon the governor, made on yesterday, be taken up and referred to the joint committee just appointed.

On motion of Mr. Martin,

The council took a recess until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

On motion of Mr. Baker,

Ordered, That the council do now proceed to the choice of a president.

Messrs. Rountree and Newland were appointed tellers;

And the ballots having been received and counted by the tellers appointed for that purpose, it appeared that

Moses M. Strong had received five votes;

John H. Rountree, " " two "

David Newland, " " two "

E. V. Whiton, " " one "

Neither of the persons voted for having received a majority of the whole number of votes given, the president declared that no election had been made.

The council thereupon proceeded to a second ballot;
And, the ballots being again taken and counted by the tellers
appointed for that purpose, it appeared that

Moses M. Strong	had received five votes;
John H. Rountree,	" " two "
E. V. Whiton,	" " one "
David Newland,	" " one "
Chas. M. Baker,	" " one "

Neither of the persons voted for having received a majority of
the whole number of votes given, the president declared that no
election had been made.

On motion of Mr. Baker,

Ordered, That further balloting for president be postponed
until to-morrow.

Mr. Crocker offered a resolution, as follows:

Resolved, That William W. Wyman be appointed to do the
incidental printing of the council, until otherwise ordered.

And, pending the question thereon,

Mr. Martin moved to amend the resolution by striking out the
name of "William W. Wyman," and inserting in place thereof the
name of "John Delany."

And the question being taken thereon, it was determined in
the negative—ayes 4, noes 6.

And the ayes and noes being called for,

Those who voted in the affirmative, are

Messrs. LaChapelle, Martin, Newland and Strong.

Those who voted in the negative, are

Messrs. Baker, Barber, Crocker, Rountree, White and Whiton.

The question then recurred on the adoption of the resolution
pending, and it was decided in the affirmative—ayes 7, noes 3.

And the ayes and noes being called for,

Those voted in the affirmative, are

Messrs. Baker, Barber, Crocker, LaChapelle, Rountree, White
and Whiton.

Those who voted in the negative, are

Messrs. Martin, Newland and Strong.

Mr. Newland gave notice of an intention, at a future day, to

bring in a bill to alter the time for holding the district court in Walworth county.

Mr. Crocker moved that three hundred copies of the report of the commissioner of public buildings, together with the accompanying documents, be printed.

And pending the question on this motion,

Mr. Whiton moved to amend the same by striking out "three hundred" and inserting "one thousand" in place thereof;

Which was disagreed to—ayes 1, noes 9.

And the ayes and noes being called for,

Mr. Whiton voted in the affirmative.

Those who voted in the negative, are

Messrs. Baker, Barber, Crocker, LaChapelle, Martin, Newland, Rountree, Strong and White.

The question then recurred on the motion of Mr. Crocker, and it was decided in the affirmative.

Mr. Whiton gave notice of an intention to ask leave, at a future day, to introduce a bill to amend an act entitled "an act to amend the several acts to provide for the support of common schools."

On motion of Mr. Baker,

The council adjourned.

WEDNESDAY, December 7, 1842.

The president laid before the council a special report of the register and receiver of the Milwaukee and Rock river canal; which was read and, on motion, laid on the table. [SEE APPENDIX B.]

On motion of Mr. Barber, it was

Ordered, that the council proceed to the election of a president.

Whereupon Messrs. Newland and Rountree were appointed tellers.

And, the ballots being again taken and counted by the tellers appointed for that purpose, it appeared that

Moses M. Strong had received six votes;

John H. Rountree, " " one "

Lucius I. Barber, " " one "

Chas. M. Baker, " " one "

The president (Mr. Dewey in the chair,) then declared that Moses M. Strong, having received six votes, a majority of all the votes cast, was duly elected president of the council.

On motion,

A committee of two, consisting of Messrs. Newland and Whiton, were appointed to conduct the Hon. Moses M. Strong to the chair; whence he returned his acknowledgments to the council, as follows:

Gentlemen of the Council :

When first elected a member of this body, a little more than a year since, I felt deeply impressed with a sense of gratitude to those by whose partiality I was elevated to so honorable a station, and now, when re-elected to the same place for four years, by a greatly increased majority, in the face of the most violent opposition of many of my political opponents, called down upon me by the course I thought it my duty to pursue at the last session of the legislative assembly, I cannot but feel that my obligations to my constituents are vastly increased, and that I owe them a debt of gratitude that my best services in their behalf will but illy discharge.

But, gentlemen, if to be thus repeatedly elected a member of this body demands at my hands such expressions of my feelings towards my constituents—in what manner can I express to you the thankfulness, which I most sincerely feel, for the high honor you have conferred upon me in calling me to preside over your deliberations ?

I am constrained to attribute this honorable distinction; more to your approval of my past political course—which I am happy to believe has accorded with the views of a majority—than to any personal considerations, and I can only assure you that it shall be my constant endeavor, by governing my future course by the same principles upon which I have hitherto acted, to merit for that course your continued approbation.

The legislative assembly at its present session finds itself, by

the unprecedented, unjustifiable, and anarchical action (or rather refusal to act,) of the executive, involved in a new and most unpleasant situation.

The two houses, after their temporary organization, in accordance with established usage, have by a joint committee informed the executive of their organization; and that they were ready to receive any communication he might have to make to them; he has in reply, denied the right of the legislative assembly to convene, and has declined holding any communication with them.

It is believed that this is the first instance, in the history of republican governments, where a governor, especially one not 'deriving his just powers from the consent of the governed,' has, because he finds himself unsustained by the people under his government—or without a party favorable to his ambitious views among the representatives of the people, attempted to subvert all legislative government, by refusing to co-operate with the people's representatives in exercising his legislative functions.

But, strange as it may appear, that crisis in our affairs has arrived; and the man whom the president of the United States has appointed as the governor of this Territory, has refused to recognize the people's representatives, as such, in their representative capacity; and so far as any action of his can effect that result, this government is absolutely dissolved, and has reverted to its original elements.

In this crisis, it becomes us to reflect seriously upon the course that our duty to those whom we represent requires us to pursue; and it appears to me, that while we should extend towards the course of the executive all that courteous forbearance which its extraordinary character will admit of, we should with becoming firmness, tempered with moderation, take care that the people's rights are not sacrificed at the shrine of executive ambition, and that by no act of ours, do we lend the slightest sanction to that wild and reckless spirit of anarchy and misrule which appears still to retain possession of the executive brain.

Gentlemen, I am fully sensible that my inexperience in the duties of the station to which your partiality has called me, will render me continually dependent upon your indulgent forbearance; and while it shall be my constant endeavor to discharge

those duties with promptness and impartiality, it cannot be otherwise than that I shall often find myself in error; but it is a source of consolation to know, that whatever errors I may commit, you have the power of correcting them on appeal to your better judgment; and I hope that no fear of wounding my pride of opinion will prevent a frequent exercise of that right.

Permit me again, gentlemen, in conclusion, to tender to you the lively sense of the gratitude which I entertain, for this mark of your distinguished favor."

On motion of Mr. Crocker,

The council then proceeded to the election of secretary, assistant secretary, sergeant-at-arms, messenger, and fireman.

Messrs. Whiton and Dewey were appointed tellers.

Mr. LaChapelle nominated John V. Ingersoll for the office of secretary.

Mr. Baker nominated Horatio S. Winsor for the office of assistant secretary.

Mr. Crocker nominated Charles E. Brown for the office of sergeant-at-arms; and

Joseph Jones for the office of messenger; and

John A. McKissan for the office of fireman.

Mr. Whiton nominated George Beatty for the office of secretary; and

Robert Moore for the office of fireman.

Mr. Barber nominated Benjamin Wilson for the office of messenger.

The ballots having been received and counted by the tellers appointed for the purpose, it appeared that, for the office of secretary of the council,

John V. Ingersoll received seven votes;

George Beatty received two votes;

William R. Smith received one vote;

Blank, one vote.

For the office of assistant secretary—

Horatio S. Winsor received nine votes;

Charles Stephenson received one vote.

For the office of sergeant-at-arms—

Charles E. Brown received eight votes;

E. Newell received one vote;

James St. Clair received one vote.

For the office of messenger—

Joseph Jones received eight votes;

Benjamin Wilson received three votes.

For fireman—

John A. McKissan received eight votes;

Robert Moore received two votes.

Whereupon, John V. Ingersoll, of Crawford county, having received a majority of all the votes given for the office of secretary of the council, was, by the president, declared duly elected to that office.

Horatio S. Winsor, having received a majority of all the votes given for the office of assistant secretary, was declared duly elected to that office.

Charles E. Brown having received a majority of all the votes given for the office of sergeant-at-arms, was declared duly elected to that office.

Joseph Jones having received a majority of all the votes given for the office of messenger, was declared duly elected to that office.

John A. McKissan having received a majority of all the votes given for the office of fireman, was declared duly elected to that office.

The officers elected, then appeared, and were severally sworn to the true and faithful discharge of their duties in office.

Mr. Crocker moved that the council take a recess until four o'clock, P. M.

Which motion was lost.

Mr. Martin moved that the council take a recess until six o'clock, P. M.

Which was decided in the affirmative; and the council took a recess until six o'clock, P. M.

SIX O'CLOCK, P. M.

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: I am directed to inform this house that the Hon. Albert G. Ellis, of the county of Brown, has been elected speaker of the house of representatives.”

On motion of Mr. LaChapelle,
The council adjourned.

THURSDAY, December 8, 1842.

The journal of the previous day having been read and corrected;

Mr. Baker offered the following resolution, and moved the consideration thereof, viz:

Resolved, That the territorial treasurer be required to report forthwith, to the legislature, the state of the treasury, pursuant to the fourth section of an act, entitled “an act to provide for the appointment of a territorial treasurer, and to define his duties.”

Mr. Barber moved to lay the resolution on the table;

Which was decided in the affirmative, and the resolution was laid on the table.

Mr. Crocker, from the joint committee to whom was referred the report of the committee appointed to wait upon the governor, informing him that the two houses had organized and were ready to receive any communication he might have to make to them, submitted the following report of said joint committee, together with the following resolutions:

REPORT

Of the joint committee of the council and house of representatives, appointed to inquire into the legality and expediency of holding a session of the legislative assembly at the present time; and

the action proper to take in regard to the course pursued by the executive.

The joint committee of the council and house of representatives, to which was referred the following joint resolution:

*“Resolved, by the council and house of representatives, that the report of the joint committee appointed to wait upon his excellency, the governor, and inform him that the two houses were organized *pro tempore*, and ready to receive any communication he might have to make to them, be referred to a joint committee, consisting of three members of each house, to report whether there is any valid objection to the legislative assembly holding its annual session at this time; whether it is expedient to adjourn the session of said legislative assembly to some other day; whether the legislative assembly ought to take any, and if any, what action, expressive of their views relative to the course pursued by the executive, as exhibited in said report; and generally, to report as they may think the circumstances of the case may require, in relation to the said report of the said joint committee;”*

Respectfully report:

That the report of the committee referred to them, is as follows—

“That the committee had discharged the duty assigned them, and that the governor informed the committee, that, ‘not conceiving that the legislative assembly had authority by law to meet at the present time, *he had no communication to make to them.*’”

Under the above resolution, your committee are required to report—

1st. Whether there is any valid objection to the legislative assembly holding its session at this time.

2d. Whether it is expedient to adjourn the session of said legislature to some future day.

3d. Whether the legislative assembly ought to take any, and if any, what action, expressive of their views relative to the course pursued by the executive, as exhibited in said report; and

4th. Generally to report, as they may think the circumstances of the case may require, in relation to the report of the said joint committee.

Your committee, in the examination of the several subjects

which have been referred to them, have deemed it their duty from the great importance of these subjects, to give them a patient and dispassionate investigation, in the course of which, the laws of congress, and of the territory, connected with the main question before them, have been attentively referred to and considered.

Your committee will proceed to express their views in the order in which they are sought by the resolution.

1st. Is there any valid objection to the legislative assembly holding its session at this time?

Your committee suppose that by the spirit of this inquiry, is meant, whether there is any law of congress or of this territory, which would prevent the holding of a session of the legislature at this time, or would render invalid or nugatory any law which it might pass.

The law of congress, organizing the territory, provides that "the time, place and manner of holding and conducting all elections by the people, and the apportionment of the representatives in the several counties, to the council and house of representatives, according to the population, shall be prescribed by law, as well as the *day of the annual commencement of the session of said legislative assembly.*"—(Organic act, sec. 4.) Accordingly, the legislative assembly have "*prescribed by law*" that "the regular session of the legislative assembly shall commence on the first Monday of December, in each and every year."—(Revised Statutes, page 157.)

In pursuance of that law, the members of the council and house of representatives, did meet in their respective halls, at the capitol, on the first Monday of December, 1842, and commenced the session of the legislative assembly, by organizing their respective houses in the usual manner. In conformity to the long established usage, they adopted a joint resolution appointing a committee to wait upon the governor and inform him of the organization of the two houses, and that they were ready to receive any communication he might have to make to them. To this customary message of courtesy to a co-ordinate branch of the legislature, the governor made the following reply: "Not conceiving that the legislative assembly had authority by law to meet at the present time, he had no communication to make to them."

He refuses to make any communication to the legislature, *because*, he says he conceives they have no authority to meet at the *present time*. Why the legislature has not a right to meet at the present time, he has not thought proper to inform them, and your committee cannot, from any reason by him assigned, determine, whether it is because the "*present time*" is not the proper time, or whether it is because the members of the legislature are not legally elected as such. The governor, no doubt, with some object in view, has seen fit to withhold from the legislature and the public, his reasons for so extraordinary a course of conduct. And as your committee can imagine no other, they have presumed, that if the legislative assembly has not the authority by law to meet at the present time, the only reason is the one that rumor and the public press have assigned, viz: that in a law passed at the last session of congress occurs the following paragraph: "No session of the legislature of a territory shall be held, until the appropriation for its expenses shall have been made." Your committee have been unable to discover any other law, either of congress or of the territory, which will furnish any ground of excuse for the singular conclusion of the governor; but aware that a like opinion has obtained to some extent out of doors, your committee will proceed, as well as they are able, in the short time allotted to them, to expose the fallacy of such an opinion.

The act of congress "making appropriations for the civil and diplomatic expenses of the government for the year 1842," approved May 18, 1842, contains the usual appropriation for the payment of the expenses of the annual session of the legislative assembly of the territory of Wisconsin. The amount thus appropriated is \$20,000. If any doubt exists as to the intention of congress in regard to the application of this appropriation, it will be removed by a mere examination of the several acts of congress which have been passed since the organization of our territory, making appropriations to defray the expenses of our legislature. The title of the act last referred to is in itself convincing proof to your committee, that the amount appropriated was for the express purpose of defraying the expenses of the session which we are now holding; but to remove all doubt, the committee will briefly refer to the several appropriations made by congress for defraying the expenses of the legislature of this territory.

The appropriation for the first session of the legislative assembly, which was held in the fall of 1836, was but nine thousand dollars, the estimate being predicated upon the usual expenses of the territorial legislature of Michigan, a body of but thirteen members. To meet the deficiency caused by this inadequate appropriation, congress by the act of 3d of March, 1837, appropriated the further sum of \$15,765 16 "for the payment of *arrears*" due for the expenses of the first legislative assembly. By the same act was appropriated the further sum of \$36,765 for the expenses of the second session of the first legislative assembly. By the act of 6th April, 1838, \$25,000 were appropriated for the first session, and by the act of 3d March, 1839, \$25,000 for the second session of the second legislative assembly. The act of the 8th May, 1840, appropriated \$34,075 for the first session, and the act of 3d March, 1841, \$20,000 for the second session of the legislative assembly. And the act of 18th May, 1842, appropriates \$20,000 for the expenses of the present, being the first session of the fourth legislative assembly.

If it be supposed that the \$20,000 last appropriated, were intended to meet the payment of "arrears," created by a deficiency in the appropriation of previous sessions of the legislature, the impression will be removed by reference to another part of the same act, making an appropriation "for the arrears and expenses for the legislative assembly of the territory of Iowa." An appropriation for a similar purpose for Wisconsin, would have been expressed in like words. That territory was similarly situated with Wisconsin, the expenses of the legislature exceeding the amount of the appropriations, but the exact amount of the arrears of the expenses of that territory being known, a definite sum was appropriated for their discharge. A portion of the arrears of expenses of Wisconsin, consisting of disputed items, and the amount not being ascertained, no definite sum could be appropriated. It was attempted when the act making appropriations for the civil and diplomatic expenses of the government for the year 1842 (in which the above appropriation of \$20,000 is included) was before the house of representatives, to appropriate the further sum of \$24,000 to cover the arrears of expenses of our legislature, for previous years, but their extent not being

known, as we have above stated, the last item was omitted, the chairman of the committee of ways and means declaring his intention of introducing a bill for the purpose of providing for the payment of such arrearages as were chargeable to the treasury of the United States. Accordingly, on the 29th day of August last, congress passed a law, "for the settlement of certain accounts for the support of the government of the territory of Wisconsin."

By this law, no definite sum was appropriated, but the accounting officers of the Treasury Department were directed to audit and settle those accounts. By the act of 18th May, 1842, the sum of \$27,125 was appropriated to defray the expenses of the legislative council of the territory of Florida, and by the act of 29th August, the accounts and arrearages of expenses of that territory were directed to be audited and settled, in the same manner as those of the territory of Wisconsin.

Yet, so far as has come to the knowledge of your committee, no doubt has ever been entertained in either of the territories of Iowa or Florida, but that their legislatures have an undoubted right to hold their annual session without any further act or appropriation by congress. By reference to that part of the act of 18th May, making appropriations for the territory of Iowa, it will be seen that no part of the sum appropriated for *arrearages* shall be used for any other purpose, than for the payment of those arrearages. Now if, as it is possible the governor may suppose, the \$20,000 last appropriated, was "for arrearages of expenses," why was it not limited and restricted to that specific object, as was done in the appropriation for Iowa?

No money shall be drawn from the treasury of the United States, but in consequence of appropriations made by law, and in such law must be expressed the precise nature and object of such appropriation. And your committee believe since the organization of the government, no instance can be found, where congress has made an appropriation for arrearages of expenses in any branch or department of the government, unless it be so expressed in the law making such appropriation. Had such been the object of the appropriation, now in question, your committee cannot but think it would have been so expressed.

The mere fact that congress has every year since the organiza-

tion of our territory, appropriated what they thought would be a sufficient amount to defray the annual expenses of the legislature, previous to the holding of the annual session thereof, is conclusive evidence to your committee that the appropriation of \$20,000, contained in the act of 18th May, was intended to defray the expenses of the *present session* of the legislature. But if any doubt could exist it would be removed by reference to the act of 29th August, the object and intention of which was to pay and discharge all arrearages of expenses of the legislature of Wisconsin, owing to the legislature having incurred an annual debt greater than the annual appropriations of congress.

The object of the act last referred to was to relieve the territory from its pecuniary embarrassments, not to crush it, by depriving it of the invaluable privileges of legislation.

It cannot be supposed by any honest and rational mind, that it was the intention of congress to deprive the people of Wisconsin of all the rights of legislation, or that having failed to include, as it is possible the governor may suppose, an appropriation to defray the expenses of the present legislature, in the usual law, they would afterwards, on the last day of the session, pass another law, prohibiting a session of the legislature because they had failed or neglected to make such appropriation. In looking at the usual course of congress in defraying the expenses of our legislature, no doubt exists in the minds of your committee, that in passing the act of 29th August, it was their belief that the appropriation of \$20,000, previously made, was to cover the expenses of the present legislature.

By the 11th section of the organic act, there is "to be appropriated *annually* a sufficient sum to defray the expenses of the legislative assembly," and by the act of the territory already quoted, "the regular session of the legislative assembly shall commence on the first Monday of December in each and every year."

These acts are plain, explicit, and unrepealed, and if it be true that congress have not "appropriated *annually*, a sufficient sum to defray the expenses of the legislative assembly," and if true, that *for that reason*, "the regular session of the legislative assembly" cannot "convene on the first Monday of December," then are both these laws to that extent repealed. But can it be believed

that congress ever intended, by, to say the most of it, so strained and remote an inference, to repeal laws which lay at the very foundation of our political existence? Such a construction would be an insult to the understanding and the good faith of the congress of the United States.

But it is said, that whatever may have been the intention of congress in making the appropriation, it has in point of fact, been received by the secretary of the territory and paid out by him in defraying the expenses of the last session of the legislative assembly. A conclusive answer to this is: of this we know nothing officially; and if the governor possesses any information upon this subject, he has not deigned to communicate it to the legislature. But assuming such to be the fact, does it affect in any degree our right to sit as a legislative assembly? It must be borne in mind that the restriction upon our legislative powers, arises only from the *want of an appropriation*, not for the *want of money* in the treasury of the United States, nor from the misapplication of that money to any other purpose, nor even the refusal of the Treasury Department to pay it out when made, nor from any circumstances whatever, except the *want of an appropriation*. Your committee admit, that if no appropriation had been made, there can be no session of the legislative assembly at the present time; but if made, the mere fact that the secretary has not yet received the same, can furnish no valid objection to the legislative assembly holding a session at the present time.

Your committee are at a loss to know upon what ground the governor refuses to meet the legislature; whether it is because no appropriation has been made, or whether, if made, it has been misapplied by the Treasury Department, or the secretary of the territory. If the appropriation has been made, we have clearly the right to hold a session of the legislature. If made, what evidence have we that it has been misapplied, or if so, that the full amount will not be forthcoming before the expiration of the time limited by law for the close of the session? If, as we contend, the appropriation has been made, there was, on the 29th of August last, in the treasury of the United States, to the credit of Wisconsin, at least 40,000 dollars, being the amount of the appropriations, and a sufficient sum to defray arrearages of expenses of former ses-

sions; and if the sum of 20,000 dollars has been misapplied in the payment of arrearages, it leaves an equal amount in the treasury to be applied as originally intended, to defray the expenses of the present session. While your committee are fully of the opinion that the matter will be satisfactorily adjusted at the Treasury Department, and that the secretary will return with the appropriation, yet we can have no assurance that the governor will then recognize our right to sit, because he might not consider it as the *identical and specific sum* appropriated by Congress.

In examining this part of the subject referred to us, in every light in which it has presented itself to our minds, we cannot hesitate to give it as our decided opinion, that there is no valid objection to the legislative assembly holding its annual session at the present time, by reason of *no appropriation having been made by Congress*.

In considering the second question referred to us, your committee feel that it is one of great delicacy and importance, and its decision may seriously affect the prosperity of Wisconsin. Your committee are aware that there are many important subjects, deeply affecting the interests of the people, upon which they are now anxiously desiring legislative action.

A few of the more important of those subjects your committee will briefly refer to, that the legislature and the public may form some idea of the necessity of holding a session at the present time. Some immediate legislative action is required in relation to the acts and condition of the Milwaukee and Rock River Canal Company. With this subject the legislature is sufficiently familiar, without requiring at this time an extended notice. Your committee would merely suggest, that some legislative action is required to ascertain the condition of the bonds, to the amount of 100,000 dollars, issued to aid in the construction of the canal, and whether the same have been recalled by the governor—the amount for which the territory is actually liable on account of said canal—and to lease the water power at Milwaukee, if the property of the territory—and to save from forfeiture for taxes, about seven thousand acres of canal lands under mortgage to the territory. On the 20th of this month, your committee are informed that these lands will be forfeited for taxes, to redeem which about three

hundred dollars is required. A suit is now pending against the territory on one of the canal bonds, amounting to one thousand dollars, involving some important questions, and possibly heavy pecuniary liability on the part of the territory. To defend this there is no person authorized by law, in whom your committee have any confidence. During the present winter the offices of canal commissioners will expire by their own limitation, and should there be no session of the legislature, the governor may appoint these officers, as he has heretofore done, in violation of all law. Under the present laws he may force into market all of the unsold canal lands, amounting to about one hundred thousand acres, and thereby involve the territory with the general government; and, without responsibility, assume the control of a large amount of public money.

Suits are now pending in favor of the territory against James D. Doty, governor of said territory, as a public defaulter, which, on account of the term of the court to which the suits have been removed at the instance of the defendant, being limited to one week, can never be brought to an issue; and thus if his excellency can succeed in preventing all legislation, he may riot with impunity upon the property of the territory, and bid defiance to all her courts and judicial proceedings.

It will be recollected also, that the term of office of the commissioner of public buildings expires with the close of the present session of the legislative assembly, and cannot be supplied, except by a joint ballot of both houses of this assembly. Inasmuch as this officer is the agent of the territory in conducting those suits, and the only person who has any authority in law to procure the attendance of witnesses, and generally superintend their management, hence a failure to elect such officer by the legislature, would be placing the management of those suits, in which a large amount of the money appropriated by congress for the erection of our public buildings is pending, in the hands of his excellency, who is the principal defendant. How far this could have been an influencing motive to induce his excellency to the extraordinary course he has taken, your committee will not express an opinion.

The capitol is in an unfinished and exposed condition, and un-

less the means be furnished by the territory, it will be seriously injured, if not totally ruined.

At the session of 1840, the legislature passed a law authorizing the issuing of territorial bonds to the amount of \$7,000, bearing an interest of ten per cent., for the purpose of finishing the capitol. At the last session a bill passed both houses, requiring the treasurer to pay to the contractor for finishing the capitol, the sum \$1,700, part of the money appropriated by congress to aid in the erection of our capitol, which is now in the hands of said treasurer. This bill the governor refused to return to the legislature, in consequence of which it did not become a law. Without a further act of the legislature, the money must remain in the hands of the treasurer, thereby subjecting the territory to loss by the payment of a high rate of interest.

Add to these the many other subjects constantly occurring in a newly settled and rapidly growing country, and the legislature can form some definite opinion of the necessity of holding its session at this time.

Yet, notwithstanding this pressing necessity, and the important subjects to be brought before the legislature, your committee are constrained by a sense of duty, to report that, in their opinion, it is *inexpedient* to hold a session of the legislature at the present time. To this conclusion your committee are forced by the act of the governor himself, who, in violation of all law, has refused, for reasons which may be apparent, to hold any communication with the legislature. Your committee have not thought it necessary to enter upon a discussion of the question whether the legislature can enact laws without the concurrence of the governor, but inasmuch as serious doubts are entertained upon this subject, they are led to the conclusion above stated.

The legislature have done all that the law, duty to their constituents, or courtesy to the governor, a co-ordinate branch of the legislature, have required. If consequences injurious to the territory result from the course which we recommend, let the responsibility rest upon the head of him who invoked it.

The opinion of the committee as to the third subject referred to them may be gathered from the views already expressed. They cannot but consider the conduct of the governor, in refusing to

meet the legislature, as extraordinary, unwarranted by any principle of reason or law, evincing a disposition to bid defiance to the will of the people, and a total disregard of their interest. Such conduct deserves the reprobation of the legislature, as it will most assuredly receive the condemnation of an injured and insulted territory.

Courtesy to the representatives of the people, similar to that extended by them to him, should have induced the governor to have assigned, in respectful terms, his reasons for not meeting or recognizing the legislature. These reasons he has withheld, and standing in an attitude independent of the will of the people, he treats their representatives with insolence and contempt, and disregards the laws of the territory which he is sworn to obey.

Upon the last question referred to them, your committee have to say, that, waiving the question whether there can be a session without the concurrence of the governor, yet as they are aware serious doubts are entertained by many upon this subject, your committee are led to the conclusion that it is expedient to adjourn the present session of the legislature *sine die*. But sensible that in the mean while the interests of the territory will materially suffer should there be no session until the first Monday of December next, your committee would recommend the adoption of a memorial by the two houses, asking congress to pass some law which will enable the legislature to convene at an earlier day.

We deem this recommendation necessary, as the governor may, from year to year, refuse to meet the legislature, as he has done in the instance before us.

In conclusion, your committee respectfully beg leave to report the following resolutions for the action of the legislature, as embracing the conclusions to which they have arrived:

Resolved, by the council and house of representatives of the territory of Wisconsin, that in their opinion the congress of the United States did, on the 18th day of May last, appropriate the sum of \$20,000 to defray the expenses of the legislative assembly of the territory of Wisconsin, commencing on the first Monday of December, 1842, and that there is no law, either of congress or of this territory, which would prevent the holding of a session of the legislature at the present time, or would render invalid or nugatory any law which it might enact.

Resolved, That while we entertain the opinion that there can be no objection to the legislature holding a session at the present time, by reason of no appropriation having been made to defray its expenses; yet, inasmuch as doubts are entertained whether there can be a session of the legislature without the concurrence of the governor, we deem it expedient that the present session of the legislature adjourn without day.

Resolved, That the conduct of the governor, in refusing to meet the legislature at the present session, thereby preventing all legislation, and centering all power in his own hands, is unparalleled in the history of this government, and a gross violation of all law, evincing an utter disregard of the will and interests of the people, and of those laws which, as governor of the territory, he is sworn to support—and that his refusal to assign reasons for so extraordinary a course, is an insult to the legislature and the people of Wisconsin.

Resolved, That for the reasons set forth in the foregoing report, it becomes the duty of this legislature to memorialize congress, and call for such relief as the nature of the case may require.

All of which is respectfully submitted.

H. CROCKER, *Chairman*,
T. LA CHAPELLE,
M. L. MARTIN,
M. C. DARLING,
JAMES TRIPP,
MOSES MEEKER.

Madison, December 8, 1842.

Which report and resolutions were then read, and were,

On motion of Mr. Baker,

Ordered to be printed, with three hundred extra copies, by the printer of the house of representatives.

The resolutions reported by the joint committee, were then read the first and second time.

On motion of Mr. Barber,

Ordered, that so much of the 29th rule of the council as requires all bills and joint resolutions, originating in the council, to be printed before being considered in committee of the whole, be suspended with reference to the resolutions just read.

On motion of Mr. Whiton,

The council then resolved itself into committee of the whole, Mr. Rountree in the chair, for the consideration of the resolutions just reported by said joint committee.

The committee rose and reported progress, and asked leave to sit again; and leave being granted,

On motion of Mr. Crocker,

The council took a recess of one hour.

THREE O'CLOCK, P. M.

On motion of Mr. Crocker,

The council, in committee of the whole, Mr. Rountree in the chair, resumed the consideration of the resolutions under consideration this morning, and after some time the committee rose, and by their chairman reported the same with amendments; which amendments were concurred in by the council.

Mr. Newland moved to amend the second resolution by striking out the word "while" in the first line, and all after the word "expenses" in the fifth line.

And the ayes and noes being called for,

Those who voted in the affirmative, are

Messrs. Barber and Newland—2.

Those who voted in the negative, are

Messrs. Baker, Crocker, Dewey, LaChapelle, Martin, Rountree, White, Whiton and Strong, (Pres't)—9.

So the amendment was not adopted.

Mr. Newland then moved to amend the second resolution by striking out the words "without day," and inserting the words "the third Monday in January next."

And the ayes and noes being called upon the question of adopting said amendment, were as follows:

Those who voted in the affirmative, are

Messrs. Barber, Newland, Whiton and Strong, (Pres't)—4.

Those who voted in the negative, are

Messrs. Baker, Crocker, Dewey, La Chapelle, Martin, Rountree and White—7.

So the amendment was not adopted.

Mr. White moved to amend the third resolution by striking out the words "gross" and "all;"

Which was agreed to.

Mr. Martin offered the following resolution, as a substitute for the fourth resolution under consideration:

Resolved, That copies of the report of the committee and the resolutions, be transmitted to the president of the senate and speaker of the house of representatives of the United States, to be laid before the bodies over which they respectively preside, that such relief may be granted by congress as the nature of the case may require, and the wants of the people of the territory demand.

On motion of Mr. Crocker,

Ordered, that so much of the 29th rule of the council, as applies to the engrossing of the resolutions under consideration previous to being read the third time, be suspended.

The question then recurring on the passage of the resolutions, and the ayes and noes being called for, the result was as follows:

Those who voted in the affirmative, are

Messrs. Baker, Barber, Crocker, Dewey, La Chapelle, Martin, Newland, Rountree, White, Whiton and Strong (Pres't)—11.

No member voted in the negative.

So the resolutions were adopted.

On motion of Mr. Whiton,

The council took a recess until six o'clock.

SIX O'CLOCK, P. M.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have passed the accompanying resolution, in which I am directed to ask the concurrence of this house:

"Resolved, by the house of representatives, the council concurring therein, that a joint committee of the two houses be appointed to draft a memorial to the president of the United States, praying the removal of his excellency, James D. Doty, from the office of governor of Wisconsin."

Which was read the first and second time.

On motion of Mr. Crocker,

The council resolved itself into a committee of the whole for the consideration of the joint resolution from the house of representatives;

Mr. Newland in the chair.

The committee rose and reported the resolution back to the council without amendment; thereupon,

On motion of Mr. Crocker,

A call of the council was made, and the following named persons were found to be absent, viz: Messrs. Dewey, Martin and Rountree;

Whereupon the sergeant-at-arms was despatched for the absent members, who, after a short time reported them present, and further proceedings under the call were suspended.

The resolution was then read a third time.

The question then recurring on the passage of the resolution, and the ayes and noes being called for, the result was as follows:

Those who voted in the affirmative, are

Messrs. Baker, Barber, Crocker, Dewey, La Chapelle, Martin, Newland, Rountree, White, Whiton and Strong (Pres't)—11.

No member voted in the negative.

So the resolution was unanimously adopted.

The president appointed Messrs. Whiton, Barber and Rountree, as a committee on the part of the council under the resolution just passed.

On motion of Mr. Baker,

The council adjourned until nine o'clock to-morrow morning.

FRIDAY, December 9, 1842.

The journal of the previous day having been read,

The following message from the house of representatives, was delivered by the clerk thereof, viz:

“Mr. President: I am directed to inform you that Messrs. Hamilton, Hopkins and Walker, have been appointed of the committee on the part of the house of representatives, under the resolution to appoint a joint committee of the two houses, to draft a memorial to the president of the United States, praying for the removal of his excellency, James D. Doty, from the office of governor of Wisconsin, and that the house of representatives have concurred in joint resolutions of this house, reported by the joint committee, relative to the present session of the legislative assembly, with amendments, in which your concurrence is requested.”

On motion of Mr. Whiton,

Ordered, That the standing rules of the council in relation to the order of business be suspended so far as concerns the consideration of the resolutions reported by the joint committee, relative to the present session of the legislative assembly; and,

On motion of Mr. Whiton,

The message from the house of representatives, in relation to the resolutions reported by the joint committee, relative to the present session of the legislative assembly, was taken up and considered.

The amendments to said resolutions having been read,

On motion of Mr. Dewey,

They were considered separately.

The question was put on the first amendment, which was, that the words “there can be a session of the legislature,” occurring in the seventh line of the second resolution, be stricken out, and the words, “any law can be enacted,” inserted in lieu thereof;

And the amendment was disagreed to.

The question was then put on the second amendment of the house, which was to strike out all after the word “expedient,” and insert the words “when the legislature adjourns, that it adjourn until the last Monday in January, 1843, in order to enable the president or congress of the United States to take some action with a view of relieving the embarrassed situation of the country;”

And the amendment was concurred in.

The question was then put on the third amendment of the house, which was to strike out all after the words “preventing all legislation,” and insert “attempting to concentrate;”

And the amendment was concurred in.

The question was then put on the fourth amendment of the house, which was, to insert after the word "resolutions," in the second line, the following, "together with a transcript of the ayes and noes of both houses upon the passage of the resolutions;"

And the amendment was concurred in.

On motion of Mr. Newland,

Leave was granted Mr. Barber to change his vote as given yesterday, on the passage of the resolutions reported from the joint committee, relative to the present session of the legislative assembly.

Mr. Newland, by leave, presented the following resolutions:

Resolved, by the council and house of representatives, that the commissioners of the Milwaukee and Rock river canal be requested to procure, by loan or otherwise, at a rate of interest not to exceed per cent., a sum sufficient to redeem such canal lands under mortgage to the territory, as were sold for taxes for the year 1840, and will be forfeited under the laws of the territory, on the 21st instant.

Resolved, That the legislature will provide by law at the adjourned session thereof, to reimburse said commissioners for the sum so loaned.

Resolved, That copies of these resolutions be forthwith transmitted to said commissioners.

Which were read the first and second time.

On motion of Newland, it was

Ordered, That so much of the 29th rule of the council, as requires the printing of joint resolutions previous to being considered in committee of the whole, be suspended in relation to the resolutions under consideration.

The council then resolved itself into committee of the whole, for consideration of said resolutions;

Mr. White in the chair.

After a short time the committee rose and reported the resolutions to the council with an amendment, which was concurred in.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to inform the council, that the

house of representatives have insisted on their first amendment to the joint resolutions relative to the present session of the legislative assembly."

On motion of Mr. Rountree,

The council insisted on its non-concurrence with the first amendment to the joint resolutions relative to the present session of the legislative assembly.

On motion of Mr. Crocker,

A joint committee of conference was appointed on the disagreeing vote of the two houses on said amendment;

And Messrs. Crocker and Baker were appointed said committee on the part of the council.

Mr. Baker moved to amend the resolutions before the council, in reference to the Milwaukee and Rock river canal lands, by striking out the word "commissioners," whenever it occurs, and inserting in lieu thereof, the words "register and receiver."

Which amendment was agreed to.

On motion of Mr. Newland,

Ordered, that the resolutions be engrossed and read the third time.

The president announced the following standing committees.

On engrossed bills—

Messrs. Dewey, Baker, and La Chapelle.

On enrolled bills—

Messrs. Whiton and Crocker.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have appointed Messrs. Hamilton and Walker of the committee of conference on their part, to confer with the committee appointed on the part of the council, to which it is proposed to refer the disagreement of the two houses, concerning certain joint resolutions relative to the present session of the legislative assembly."

The committee on engrossed bills, reported the resolutions of this day, relative to the Milwaukee and Rock river canal lands, as correctly engrossed.

The said resolutions were then read the third time, and the question being on the final passage of the resolutions, it was

decided in the affirmative; and so the resolution passed the council.

On motion,

The council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Crocker, from the joint committee of conference, to whom was referred the disagreeing vote of the two houses upon the second of the several joint resolutions relative to the present session of the legislative assembly, submitted the following report:

The committee of conference to which the disagreement of the two houses was referred, concerning certain joint resolutions relative to the present session of the legislative assembly, recommend to strike out all after the word "resolved," in the second resolution, and insert the following words:

"That while we entertain the opinion, that there can be no objection to continue the present session of the legislature, by reason of no appropriation having been made to defray its expenses, or any other legal disability; yet, inasmuch as doubts are entertained as to the expediency of proceeding with business at the present time, because the governor refuses to act with us, we deem it prudent that the legislative assembly adjourn their session until the last Monday in January, 1843;"

In which they ask the concurrence of the council.

The question was then put—"Will the council concur in the report?"

Which was agreed to.

On motion of Mr. Newland,

The special report of the commissioners of the Milwaukee and Rock river canal company was taken up, and transmitted to the house of representatives.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have adopted the joint report of the committee of conference, to which was referred the disagreement of the two houses, concerning certain joint resolutions, relative to the present session of the legislative assembly."

Mr. Whiton, from the joint committee of the two houses, appointed to draft a memorial praying for the removal of James D. Doty, governor of the territory of Wisconsin, reported a memorial.

Mr. Baker moved for a call of the council;

Which was made, and the absentees were Messrs. Dewey, Rountree and Martin.

On motion of Mr. Whiton,

Further proceedings under the call were suspended.

On motion of Mr. Barber,

Ordered, that the 29th rule of the council be suspended with reference to the memorial under consideration, and that the council resolve itself into a committee of the whole, for the consideration of said memorial.

Which motion being decided in the affirmative by a majority of two-thirds, the rule was suspended.

The council then resolved itself into a committee of the whole, for the consideration of said memorial;

Mr. Barber in the chair.

The committee after a short time rose, and by their chairman reported the same to the council, with amendments, in which they asked the concurrence of the council.

The council concurred in the amendments of the committee of the whole.

The memorial was then ordered to be engrossed and read the third time.

On motion of Mr. Dewey,

Ordered, that the rule requiring the engrossment of all bills and memorials, previous to being read the third time, be suspended with reference to the memorial now before the council.

The memorial was then read the third time by its title, and the question being on its passage,

The ayes and noes were ordered, and having been called, the result was as follows:

Those who voted in the affirmative, are

Messrs. Baker, Barber, Crocker, Dewey, La Chapelle, Martin, Newland, Rountree, White, Whiton and Strong (Pres't)—11.

No member voted in the negative.

So the memorial was unanimously passed. [SEE APPENDIX "C."]

On motion of Mr. Martin,

The title of the said memorial was amended by adding to it the words, "To the President of the United States."

On motion of Mr. Barber,

The title was further amended by adding the words, "praying for the removal of James D. Doty from the office of governor of said territory."

The question was then taken on the title as amended, and the title was agreed to.

On motion of Mr. Crocker, it was

Ordered, that the yeas and noes on the final passage of this memorial, be certified by the president and secretary of the council, and one copy be transmitted to the president of the United States, and one copy to the delegate in congress.

Mr. Martin offered the following resolution, which was read the first and second time:

Resolved, if the house of representatives concur, that the two houses of the legislative assembly will meet in convention in the hall of the house of representatives, at six o'clock, P. M., of to-day, and proceed to the election of commissioner of public buildings.

Mr. Martin moved that all rules, preventing the reading of said resolution the third time, be now suspended.

Which was agreed to—two-thirds voting in the affirmative; and the resolution was read the third time.

The question was then put—"Shall the resolution pass?"

Which was decided in the affirmative.

On motion,

The council adjourned until six o'clock.

SIX O'CLOCK, P. M.

Mr. Whiton, from the committee on enrollment, reported as correctly enrolled "joint resolutions relative to the Milwaukee and Rock river canal lands."

On motion of Mr. Whiton,

Ordered, that the secretary of the council transmit to the house of representatives a copy of the report of the commissioner of

public buildings, together with all the accompanying documents in the possession of the council.

Mr. Crocker offered the following joint resolution:

Resolved, by the council and house of representatives, that the presiding officer of each house of the legislative assembly shall, on the tenth day of December, 1842, at nine o'clock, A. M., adjourn their respective houses until the last Monday of January, 1843, at twelve o'clock, M.

On motion of Mr. Newland,

A call of the council was ordered.

The roll was called, and the absentees were Messrs. Barber, Dewey, Martin, Rountree and Whiton.

The sergeant-at-arms was despatched to notify the absent members that their attendance was required; and,

On motion of Newland,

Further proceedings under the order for a call of the council were suspended.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in resolutions of this house, authorizing a loan for the redemption of certain lands which have been sold for taxes; and have negatived a resolution of this house, relative to the election of commissioner of public buildings."

On motion of Mr. Baker,

The joint "resolution relative to the adjournment of the legislative assembly" was read the first and second time.

On motion, it was

Ordered, (two-thirds voting in the affirmative,) that the 29th rule of the council, and all other rules preventing said resolution from being read the third time now, be suspended in reference to said resolution;

And the resolution was read the third time.

Mr. Baker moved to amend the resolution by striking out the words "shall on the tenth day of December, at nine o'clock, A. M.," and insert the words, "when they adjourn to-day."

On motion of Mr. Martin,

The resolution was committed to the committee of the whole;

And the council thereupon resolved itself into a committee of the whole, for the consideration of said joint resolution;

Mr. Dewey in the chair.

After a short time the committee rose, and by their chairman reported said resolution with an amendment.

The question was then put—"Will the council concur in the amendment?" which was decided in the affirmative.

So the council concurred in the amendment.

The question then being put—"Shall the resolution be read the third time?" it was decided in the affirmative.

So the resolution was read the third time, and, on motion, it was then passed.

The committee on engrossed bills reported the joint resolutions relative to the present session of the legislative assembly, as correctly engrossed; and,

The resolutions were then read the third time and passed.

On motion of Mr. Martin,

The council took a recess for one hour.

NINE O'CLOCK, P. M.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in memorial No. 1, of this house, entitled 'memorial of the council and house of representatives of the territory of Wisconsin, to the president of the United States, praying for the removal of James D. Doty from the office of governor of said territory;' and have concurred in a resolution of this house relative to adjournment, with an amendment, in which I am directed to ask the concurrence of this house;"

Which, on motion of Mr. Whiton, was taken up for consideration.

Mr. Whiton moved to amend the amendment of the house, by inserting after the word "December," the words, "eighteen hundred and forty-two," and after the word "o'clock," the letters "A. M."

Which was decided in the affirmative.

The question was then put—"Will the council concur in the amendment of the house of representatives, as amended?"

Which was decided in the affirmative.

On motion of Mr. Newland,

The council adjourned until eight o'clock to-morrow morning.

SATURDAY, December 10, 1842.

On motion of Mr. Barber,

The reading of yesterday's journal was dispensed with.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for your signature, the following resolutions and memorial, which have been signed by the speaker of the house of representatives, viz:

" 'Joint resolutions relative to the present session of the legislative assembly;' and

" 'Memorial of the council and house of representatives of the territory of Wisconsin, to the president of the United States, praying for the removal of James D. Doty, from the office of governor of said territory.'"

"I am also directed to inform you, that the amendment of this house to the amendment of the house of representatives, to the resolution relative to adjournment, have been concurred in;"

Which resolutions and memorial were signed by the president.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to inform the council, that the house of representatives are now ready to adjourn."

Mr. Whiton moved that the secretary inform the house of representatives that the council are now ready to adjourn;

Which was agreed to.

On motion of Mr. Martin,

The council adjourned until the last Monday in January, A. D. 1843, at 12 o'clock, M.

MONDAY, January 30, 1843.

The council met pursuant to adjournment.

The president informed the council that the sergeant-at-arms had reported to him that a quorum of members had not arrived at the seat of government; whereupon,

On motion of Mr. Crocker,

The council adjourned until three o'clock this afternoon.

THREE O'CLOCK, P. M.

The president again informed the council that a quorum was not present; whereupon,

On motion of Mr. Crocker,

The council adjourned.

TUESDAY, January 31, 1843.

The council met pursuant to adjournment, and the president informed the council that a quorum of the members was not present.

On motion of Mr. White,

The council adjourned until three o'clock this afternoon.

THREE O'CLOCK, P. M.

The president again informed the council that a quorum of the members was not present; whereupon,

On motion of Mr. Barber,

The council adjourned until half-past six o'clock this evening.

HALF-PAST SIX O'CLOCK, P. M.

The president again informed the council that there was not a quorum of the members present; whereupon,

On motion of Mr. Crocker,

The council adjourned.

WEDNESDAY, February 1, 1843.

The council met pursuant to adjournment.

The president again informed the council that a quorum of the members was not in attendance; whereupon,

On motion of Mr. La Chapelle,

The council adjourned.

THURSDAY, February 2, 1843.

The president again informed the council that a quorum was not in attendance; whereupon,

On motion of Mr. White,

The council adjourned until half past six o'clock this evening.

HALF-PAST SIX O'CLOCK, P. M.

The president again informed the council that a quorum of the members was not in attendance; whereupon,

On motion of Mr. Whiton,

The council adjourned.

FRIDAY, February 3, 1843.

The council met pursuant to adjournment.

The president again informed the council that a quorum of the members was not in attendance; whereupon,

On motion of Mr. Whiton,

The council adjourned until two o'clock this afternoon.

TWO O'CLOCK, P. M.

The president again informed the council that a quorum of the members was not in attendance; whereupon,

On motion of Mr. Barber.

The council adjourned.

SATURDAY, February 4, 1843.

The council met pursuant to adjournment; and a quorum of members being present, the journal of the previous day was read.

The president laid before the council the following communication from Harrison Reed, viz:

“MADISON, January 30, 1843,

To the hon. the president of the legislative council:

Sir: Allow me through you to submit for the consideration of the honorable body over which you preside, the following proposition, viz:

I will do the printing for the legislative assembly of Wisconsin, for one year, upon the following conditions:

For composition, per 1000 <i>ems</i> ,	\$0 37½
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Press work, per <i>token</i> ,	37½
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For paper, the market price.

The contract to embrace the whole of the public or legislative printing, and the amount to be paid in specie or its equivalent, at the close of each session of the legislature.

Bonds, with good and sufficient surety, to be given for the faith-

ful performance of the contract, and the work to be done in the best manner.

The price which has heretofore been paid for printing by the legislative assembly, is *one dollar* per thousand ems for compositions, and *one dollar* per token for press work, and the market price for paper.

In no instance, I believe, has it fallen short of, and frequently exceeded this sum.

I am, sir, most respectfully,

Your ob't servant,

HARRISON REED.

Hon. MOSES M. STRONG,

President of council."

Which was read; and,

On motion of Mr. White,

Was laid on the table.

Mr. Barber offered the following resolution, viz:

Resolved, That the secretary of the council inform the house of representatives, that a quorum of the council is now in attendance, and ready to proceed to business.

Which was adopted.

The president laid before the council the following communication from the secretary of the council, viz:

"To the hon. MOSES M. STRONG,

President of the council:

Sir: By an act of the assembly, approved February 18th, 1842, it is made the duty of the person having charge thereof, to deliver all stationery purchased for the use of the legislative assembly of this territory, to the secretary of the council and chief clerk of the house of representatives, and although no *time* is specified in the said act for the delivery of the said stationery to the said officers, yet a fair construction would require that it should be delivered at the commencement of a session—or when demanded by the said officers.

The undersigned has at different times proceeded to the library for the purpose of applying to Barlow Shackelford, esq., the present librarian, for the delivery of stationery for the use of the council.

In the absence of Mr. Shackelford, on the afternoon of Wednesday last, the undersigned applied to the clerk or assistant of Mr. Shackelford, in the library, and was informed that Mr. S. was then absent, but that on his return, which was momentarily expected, the stationery would be delivered.

Seeing no more of Mr. Shackelford, and yet being without stationery for the use of the council, the undersigned, in conjunction with the chief clerk of the house of representatives, on the morning of Thursday last, made a demand in writing on Mr. Shackelford, requesting him to deliver all stationery in his possession, purchased for the use of the assembly, without unreasonable delay; to which communication he has as yet received no reply—nor does he believe Mr. Shackelford intends to return an answer to the communication—but, in defiance of the demand of the officers of the legislative assembly, to hold on in silence to whatever stationery, purchased for the use of the legislative assembly, may now be in his possession.

The undersigned herewith submits to the council for their inspection, an inventory made by the secretary of the council and chief clerk of the house of representatives, at the close of the last session of the legislature, of the stationery and other property belonging to the legislative assembly, for which they took the receipt of the then librarian.

JOHN V. INGERSOLL,

Secretary of the Council.

COUNCIL CHAMBER, February 4, 1843."

Which communication was read; and,

On motion of Mr. Crocker,

Was laid on the table.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: I am directed to inform the council, that a quorum of members of the house of representatives are now in attendance, and are ready to proceed to business."

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to inform you that the house of representatives have passed a resolution, relative to the appoint-

ment of a joint committee, to wait upon his excellency, the governor; and have appointed on their part, under the said resolution, Messrs. Darling and Platt of the said committee, in which resolution the concurrence of the council is requested."

Mr. La Chapelle moved that the council do now adjourn until two o'clock this afternoon;

A quorum of members not being present,

On motion of Mr. La Chapelle,

A call of the council was made, when the following members answered to their names, viz: Messrs. Barber, Crocker, La Chapelle, Martin, White, and Strong (Pres't).

The sergeant-at-arms was then despatched for the absent members.

A quorum of members appearing,

On motion of Mr. La Chapelle,

All further proceedings under the call of the council were dispensed with.

The question then recurred on the motion of Mr. La Chapelle, to adjourn until two o'clock this afternoon.

Mr. Crocker moved to amend, by striking out the word "two," and inserting in lieu thereof the word "one;"

Which was lost.

The question was then taken on the original motion to adjourn, which was carried, and

The council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

On motion of Mr. Crocker,

The joint resolution from the house of representatives, relative to the appointment of a joint committee to wait upon his excellency, the governor, was then taken up, read the first and second time, and,

On motion of Mr. Crocker,

The council resolved itself into a committee of the whole, for the consideration of said resolution,

Mr. Martin in the chair.

Pending the question thereon,

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: The house of representatives have passed a resolution relative to a message to be sent to the executive, in which I am directed to ask the concurrence of this house.”

After some time the committee rose and reported said joint resolution to the council with an amendment, in which the council concurred.

The resolution was then ordered to a third reading, and the question being put on the passage thereof, it was determined in the affirmative.

The title thereof was then agreed to, and Messrs. Crocker and Barber, were appointed of the committee, on the part of the council, under said joint resolution.

On motion of Mr. Barber,

The message from the house of representatives, in relation to the joint “resolution relative to a message to be sent to the executive,” was then taken up and read the first and second time.

Mr. Martin moved a suspension of so much of the rules of the council as requires the consideration of resolutions in committee of the whole, before being ordered to the third reading, so far as the resolution under consideration was concerned;

Which was disagreed to.

On motion of Mr. Whiton,

The council resolved itself into committee of the whole, for the consideration of said joint “resolution relative to a message to be sent to the executive,”

Mr. La Chapelle in the chair.

And having considered the same, the committee rose and reported said resolution to the council, with an amendment, which was concurred in.

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: The house of representatives have concurred in the amendment of this house to the ‘resolution relative to the appointment of a joint committee to wait upon his excellency, the governor.’”

Mr. Crocker, from the joint committee appointed to wait upon

his excellency, the governor, submitted the following report, viz:

"The joint committee appointed by the two houses, to wait upon his excellency, the governor, and inform him that the legislative assembly is now in session, pursuant to adjournment, respectfully report, that they have discharged the duty imposed upon them, and were informed by his excellency that he was still of the opinion he had formerly expressed, and had no communication to make to the legislative assembly, except a copy of his proclamation, convening the legislature on the sixth day of March next, which he requested your committee to lay before the legislature."

Which said report and the accompanying proclamation [SEE APPENDIX "D"] was read; and,

On motion of Mr. Whiton,
Laid on the table.

On motion of Mr. Whiton,
The council adjourned until half past six o'clock this evening.

HALF-PAST SIX O'CLOCK, P. M.

Mr. Crocker offered the following preamble and joint resolutions relative to the present session of the legislative assembly, which were read the first and second time:

WHEREAS, the members of the council and house of representatives of the territory of Wisconsin did, in pursuance of law, assemble at the capitol on the first Monday of December, 1842, and having organized their respective houses according to accustomed usage, appointed the usual committee to wait upon the governor and inform him that they were so organized, and ready to receive any communication he might have to make to them;

And whereas, the governor refused to meet or recognize the right of the members to hold a session of the legislature, for the reason, as has since appeared in a communication by him addressed to the members of congress, "*that no appropriation had been made to defray the expenses of said session;*"

And whereas, the members of the council unanimously, and the members of the house of representatives, with but two dissenting voices, did, at said session, declare it to be their opinion

that an appropriation had been made by congress to defray the expenses of said session; but inasmuch as the governor, in violation of his duty, had refused to meet or co-operate with the legislature, it was deemed expedient and advisable to adjourn to the last Monday of January, 1843, in the belief that the obstacles, pretended to exist in the mind of the governor, would be removed by some action of congress, directing the proper application of said appropriation, or for the making of another appropriation for the expenses of said legislative assembly;

And whereas, the congress of the United States did, on the 24th day of December last, by "an act making appropriations for the civil and diplomatic expenses of government, for the half calendar year ending the 30th day of June, 1843," appropriate the sum of \$19,275 for the expenses of said legislative assembly;

And whereas, the legislative assembly of the territory of Wisconsin, in pursuance of said adjournment, did convene at the capitol, and did appoint the usual committee to wait upon the governor and inform him they were in session;

And whereas, the governor replied to the said committee, that he was still of the opinion he had formerly expressed, and had no communication to make to the legislative assembly, except a copy of his proclamation, convening the legislature on the sixth day of March next;

And whereas, serious doubts exist, whether there can be a session of the legislative assembly without the concurrence of the governor; therefore,

Resolved, That entertaining the opinion we have formerly expressed, that the appropriation of \$20,000, made on the 18th day of May last, was intended to defray the expenses of the session of the legislative assembly, convened on the first Monday of December last; yet, inasmuch as the governor has refused to co-operate with the legislature, we deem it advisable to adjourn, to meet on the sixth day of March next.

Resolved, That the only reason heretofore assigned by the governor, for refusing to meet the legislature, having been removed by the appropriation of 24th December last, leaves no other excuse for his singular and unwarrantable conduct, than such as can be found in his determination to prevent all legislation, and sa-

crifice, for his own private purposes, the welfare of the territory and the interests of the people.

Resolved, That the conduct of Gov. Doty, in again refusing to meet the legislature, after he has been officially informed that an appropriation has been made by congress to defray its expenses, is another evidence of his violation of law, and utter disregard of the duties of his station, and of the wishes and interests of the people.

Resolved, That a copy of the foregoing preamble and resolutions be forwarded to the president of the United States, and to the presiding officers of the senate and house of representatives of congress.

Mr. Whiton moved that the joint resolutions be now laid on the table.

Which was decided in the negative.

Mr. Crocker moved to suspend so much of the 29th rule of the council as requires all bills and joint resolutions to be printed before being considered in committee of the whole, so far as the joint resolutions under consideration were concerned;

Which was agreed to.

On motion of Mr. Crocker,

The council resolved itself into a committee of the whole, for the consideration of said joint resolutions,

Mr. Rountree in the chair.

After some time the committee rose and reported the said joint resolutions to the council without amendment.

Mr. Whiton offered the following substitute to the first resolution under consideration, viz:

“Resolved, That the legislative assembly will now proceed to discharge its duties, without regard to any course that has been or may be pursued by the governor.”

The question being on the adoption of said substitute,

And the ayes and noes being called for,

Those who voted in the affirmative, are

Messrs. La Chapelle, Rountree, Whiton, and Strong, (Pres't)

—4.

Those who voted in the negative, are

Messrs. Barber, Crocker, Martin, and White—4.

So the substitute was rejected.

The question was then put—"Shall the resolutions be read the third time?"

Which was decided in the negative.

So the resolutions were rejected.

On motion of Mr. White,

The council adjourned.

MONDAY, February 6, 1843.

The journal of the previous day having been read and corrected,

Mr. Whiton presented a petition from James Heath and others, of the town and county of Rock, asking that certain lands may be annexed to said town;

Which, on motion, was referred to a committee of three;

And Messrs. Whiton, White and Barber were appointed said committee.

On motion of Mr. Whiton,

The council adjourned until two o'clock this afternoon.

TWO O'CLOCK, P. M.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have passed a 'preamble and resolutions relative to adjourning the present session until the sixth day of March next,' in which I am directed to ask the concurrence of this house."

On motion of Mr. Rountree,

The "preamble and resolutions relative to adjourning the present session until the sixth day of March next," were then taken up, and read the first and second time.

On motion of Mr. Crocker,

The council resolved itself into a committee of the whole, for the consideration of said preamble and resolutions;

Mr. Barber in the chair.

And after some time spent thereon, the committee rose and reported the same back to the council with amendments, in which they asked the concurrence of the council.

The question then being upon the concurrence of the council to the amendments reported by the committee of the whole to said preamble and resolutions; on which question,

The ayes and noes being called for,

Those who voted in the affirmative, are

Messrs. La Chapelle, Rountree, Whiton and Strong, (Pres't)—4.

Those who voted in the negative, are

Messrs. Barber, Crocker and White—3.

So the amendments reported by the committee of the whole, to said preamble and resolutions, were concurred in by the council.

The question was then put on ordering the said preamble and resolutions to a third reading, which was decided in the affirmative;

And the preamble and resolutions were then read the third time.

The question then being on the passage of said preamble and resolutions,

And the ayes and noes being called for, the result was as follows:

Those who voted in the affirmative, are

Messrs. Barber, Crocker, La Chapelle, Rountree, White, Whiton and Strong (Pres't)—7.

No member voted in the negative.

So the preamble and resolutions unanimously passed the council, as follows:

WHEREAS, the members of the council and house of representatives of the territory of Wisconsin did, in pursuance of law, assemble at the capitol on the first Monday of December, 1842, and having legally organized their respective houses, appointed the usual committee to wait upon the governor and inform him that they were so organized, and ready to receive any communication he might have to make to them;

And whereas, the governor refused to meet or recognize the right of the members to hold a session of the legislature, for the reason, as has since appeared in a communication by him addressed to the members of congress, "*that no appropriation had been made to defray the expenses of said session;*"

And whereas, the members of the council unanimously, and the members of the house of representatives, with but two dissenting voices, did, at said session, declare it to be their opinion that an appropriation had been made by congress to defray the expenses of said session; but inasmuch as the governor, in violation of his duty, had refused to meet and co-operate with the legislature, it was deemed expedient or advisable to adjourn to the last Monday of January, 1843, in the belief that the obstacles, pretended to exist in the mind of the governor, would be removed by some action of congress, directing the proper application of said appropriation, or by the making of another appropriation for the expenses of the legislative assembly;

And whereas, the congress of the United States did, on the 24th day of December last, by "an act making appropriations for the civil and diplomatic expenses of government, for the half calendar year ending the 30th day of June, 1843," appropriate the sum of \$19,275 for the expenses of said legislative assembly;

And whereas, the legislative assembly of the territory of Wisconsin, in pursuance of said adjournment, did convene at the capitol, and did appoint the usual committee to wait upon the governor and inform him they were in session;

And whereas, the governor replied to the said committee, that he was still of the opinion he had formerly expressed, and had no communication to make to the legislative assembly, except a copy of his proclamation, convening the legislature on the sixth day of March next;

And whereas, the legislature did present to the congress of the United States their grievances, and did memorialize the president of the United States to remove James D. Doty from the office of governor, as a man unfit to rule over a free people;

And whereas, on or about the 14th day of January, 1843, the resolutions of the legislature, appealing to congress to relieve the territory from the grievances occasioned by reason of the gov-

ernor's conduct, were laid before the senate and house of representatives of congress, and were referred to the appropriate committees. The legislature, therefore, relying on the wisdom, patriotism and justice of the national legislature, expect that the subject will receive that serious consideration which its importance requires, and do confidently hope to be relieved from the present embarrassment:

Resolved, That the congress of the United States be requested to provide, by law, for the election of governor by the people of the territory.

Resolved, That the only reason heretofore assigned by the governor, for refusing to meet the legislature, having been removed by the appropriation of 24th December last, leaves no other excuse for his singular and unwarrantable conduct, than such as can be found in his determination to prevent all legislation, and sacrifice, for his own private purposes, the welfare of the territory and the interests of the people.

Resolved, That the conduct of Gov. Doty, in again refusing to meet the legislature, after he has been officially informed that an appropriation has been made by congress to defray its expenses, is another evidence of his violation of law, and utter disregard of the duties of his station, and of the wishes and interests of the people.

Resolved, That a copy of the foregoing preamble and resolutions be forwarded to the president of the United States, and to the presiding officers of the senate and house of representatives of congress.

On motion of Mr. Whiton,

The title to said preamble and resolutions was amended by striking out the same, and inserting in lieu thereof, "Preamble and resolutions relative to the present session of the legislative assembly."

Mr. Crocker offered the following preamble and resolution, which were read the first and second time, viz:

WHEREAS, serious doubts are entertained in the minds of certain citizens, whether there can be a session of the legislative assembly without the concurrence of the governor; therefore,

Resolved, (the house concurring,) that entertaining the opinion

we have formerly expressed, that the appropriation of \$20,000 made on the 18th day of May last, was intended to defray the expenses of the session of the legislative assembly, convened on the first Monday of December last—yet, inasmuch as the governor has refused to co-operate with the legislature, we deem it advisable to adjourn, to meet on the sixth day of March next.

On motion of Mr. Crocker,

So much of the 29th rule of the council, as requires all joint resolutions to be printed before being considered in committee of the whole, was suspended in reference to the preamble and resolution under consideration.

The council then resolved itself into a committee of the whole, for the consideration of said preamble and resolution;

Mr. Whiton in the chair.

After some time the committee rose, and, by their chairman, reported said preamble and resolution to the council, with amendments, in which they asked the concurrence of the council.

Mr. Whiton moved to amend the same, by striking out from the amendment to the preamble, as reported by the committee of the whole, the word “as,” and insert in lieu thereof the word “whereas;”

Which was agreed to.

Mr. Whiton moved to further amend the preamble, by striking out the words “certain citizens.”

Mr. Barber moved to amend the amendment offered by Mr. Whiton, by inserting in lieu of the words “certain citizens” the word “some;”

Which was agreed to.

The question then being on the concurrence of the council with the amendments of the committee as amended, it was decided in the affirmative.

Mr. Whiton offered the following resolution as a substitute for the said preamble and resolution, and moved the adoption of the same, viz:

“*Resolved*, by the council and house of representatives, that the legislative assembly will now proceed to discharge its duties without regard to any course that has been or may be pursued by the governor.”

On which motion, the ayes and noes were called, as follows:

Those who voted in the affirmative, are
Messrs. La Chapelle, Whiton, and Strong, (Pres't)—3.

Those who voted in the negative, are
Messrs. Barber, Crocker, Rountree, and White—4.

So the resolution was rejected.

Mr. Whiton then moved that the preamble and resolution be laid on the table.

And the question being taken thereon, it was determined in the negative—ayes 3, noes 4.

Those who voted in the affirmative, are
Messrs. La Chapelle, Whiton and Strong (Pres't).

Those who voted in the negative, are
Messrs. Barber, Crocker, Rountree and White.

The question then being—"Shall the preamble and resolution be engrossed for a third reading?" it was determined in the affirmative.

On motion of Mr. Crocker, it was

Resolved, That the use of this hall be given to the territorial temperance society, for a meeting this evening.

The committee on engrossment, by Mr. La Chapelle, reported "Joint resolution relative to the adjournment of the legislative assembly," as correctly engrossed.

The question then being on the final passage of the same;

And the ayes and noes being called for, they were as follows:
viz:

Those who voted in the affirmative, are
Messrs. Barber, Crocker, Rountree, and White—4.

Those who voted in the negative, are
Messrs. La Chapelle, Whiton and Strong, (Pres't)—3.

So the preamble and resolution were adopted; and the title of the same was then agreed to.

Mr. Rountree moved that the council do now adjourn until nine o'clock this evening.

Mr. Barber moved to amend by striking out "nine" and inserting "eight;"

Which was disagreed to.

The question recurring on the original motion, it was decided in the affirmative; and

The council adjourned until nine o'clock this evening.

NINE O'CLOCK, P. M.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in a resolution of this house, entitled 'Joint resolution relative to the adjournment of the legislative assembly,' with an amendment thereto.

"And have concurred in the amendments of the council to 'Preamble and resolutions relative to adjourning the present session until the sixth of March next,' with amendments, in which amendments to the said resolutions, I am directed to ask the concurrence of this house."

On motion of Mr. Barber,

A call of the council was ordered, and the following members answered to their names, viz: Messrs. Barber, Crocker, La Chapelle, Rountree, White and Strong, (Pres't.)

The sergeant-at-arms was despatched for the absentees.

The sergeant-at-arms reported the absentees at the call of the council as being now within the bar;

And further proceedings under the call were dispensed with.

On motion of Mr. White,

The "Joint resolution relative to the adjournment of the legislative assembly" was taken up, and the amendment of the house of representatives to the same, was, on motion, concurred in by the council.

On motion,

The "Preamble and resolutions relative to adjourning the present session until the sixth day of March next," was taken up;

And the question being put—"Will the council concur in the amendment of the house of representatives to the amendments of the council" to the same, it was determined in the affirmative.

And so the amendments were concurred in by the council.

Mr. Crocker, from the committee on enrolled bills, reported as correctly enrolled, "Joint resolution relative to the adjournment of the legislative assembly."

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: I am directed to present the following resolutions for your signature, which have been signed by the speaker of the house of representatives, to wit: ‘Joint resolutions relative to the adjournment of the legislative assembly;’ and

“‘Preamble and resolutions relative to the present session of the legislative assembly, and for other purposes.’”

Which said resolutions were then signed by the president.

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: I am directed to inform this house, that the house of representatives are now ready to adjourn.”

On motion of Mr. Rountree,

Ordered, that the secretary inform the house of representatives that the council are now ready to adjourn.

On motion of Mr. Whiton,

The council adjourned to the sixth day of March, A. D. 1843, at ten o'clock, A. M.

MONDAY, March 6, 1843.

The council met pursuant to adjournment.

The journal of the previous day, January 8, having been read,

Mr. Rountree presented the certificate of election, as councilor from the county of Racine, of CONSIDER HEATH, together with his oath of office accompanying the same, and moved that the said Heath be permitted to take his seat;

Which was agreed to; whereupon, Mr. Heath took his seat.

Mr. Rountree presented certain papers, relative to the right to a seat in the council, of PETER D. HUGUNIN, from the county of Racine;

Which were then read, and

On motion of Mr. Rountree,

Mr. Hugunin appeared, and after being sworn by the president, was admitted to his seat.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I have been directed by the house of representatives to transmit a communication to the hon. council, informing that body that a quorum of members of the house of representatives are now in session for the despatch of business."

Mr. Whiton offered the following joint resolution:

Resolved, by the council and house of representatives, that a committee of two be appointed to wait upon the governor, and inform him that quorums of the two houses are now in session, and that they are ready to receive any communication he may be pleased to make to them."

Which was read the first and second time.

Mr. Barber offered the following resolution, viz:

Resolved, That the secretary of the council inform the house of representatives that a quorum of the council is now present, and ready to proceed to business;

Which was adopted.

On motion of Mr. La Chapelle,

A call of the council was ordered, and the sergeant-at-arms was despatched for the absentees.

On motion of Mr. Crocker,

Further proceedings under the call were dispensed with.

On motion of Mr. Rountree,

All rules which prevented the third reading of the aforesaid joint resolution, offered by Mr. Whiton, before being printed or considered in committee of the whole, were suspended, so far as said resolution was concerned; when,

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have passed a resolution relative to the appointment of a joint committee to wait upon the governor, &c., and have appointed, under the said resolution, Messrs. Meeker and Elmore of the committee on their part; in which I am directed to ask the concurrence of this house."

Which message,

On motion of Mr. Crocker,

Was taken up and read the first and second time.

Mr. Crocker offered the following resolution, viz:

Resolved, That a committee be appointed to act jointly with a committee on the part of the house, to wait upon the governor and inform him that quorums of the two houses have assembled, and that they are now ready to receive any communication he may be pleased to make to them;"

Which was adopted.

The president appointed Messrs. Crocker and Rountree of the committee under said resolution.

Mr. Crocker, from the committee appointed to wait upon the governor, reported that the committee had performed the duty assigned them, and were informed by his excellency, that he would send a written message to each house at 2 o'clock.

On motion of Mr. Rountree,

The council adjourned until two o'clock this afternoon.

TWO O'CLOCK, P. M.

The president announced the reception of the following communication from David Lambert and H. A. Lambert, viz:

"To the president of the council of the legislative assembly of the territory of Wisconsin:

We submit to the legislative assembly of the territory of Wisconsin, now at Madison, 6th March, 1843, the following proposals to do all the printing for the said assembly for the present session and the current year, at the following rates:

For each 1000 ems, - - - - - 38 cts.

" " token, - - - - - 38 cts.

If required, good security can be given for the faithful performance of the work.

This includes the laws and journals.

DAVID LAMBERT,
HENRY A. LAMBERT.

March 6, 1843.

NOTE.—At the close of the session, the money is to be paid in specie for the above work, or any part of it.

DAVID LAMBERT,
HENRY A. LAMBERT.

March 6, 1843.

The following message in writing, was received from his excellency, the governor, by his private secretary, viz:

Gentlemen of the council,

and of the house of representatives:

The legislation of congress having prevented the legislature from holding its annual term in December last, and believing that the public interest will be promoted by a session, I have deemed it my duty, an appropriation being now made by congress to pay the expenses, to appoint a *special session* to be held at this time. This duty has been performed in conformity to the provisions of the act of Wisconsin, entitled "An act relative to the sessions of the legislative assembly," to enable you to legislate upon the subjects upon which the people are now anxiously expecting legislation.

I therefore meet you on this occasion, being informed by your committee that the two houses are now convened for the purpose of holding a special session, and respectfully solicit your attention to the following, as some of the objects of "public interest" which in my judgment require legislative action.

A change or modification of the present form of government, by restoring to the people their right to elect their officers, and thus rendering the county and territorial officers responsible to them for the performance of their official duties, is a measure of great interest and importance.

If the bills lately pending before congress granting this privilege, and for the passage of which we have all been solicitous, shall not have become laws, I would again recommend the submission of the question to the inhabitants of the fifth division of the North-West Territory, who, by the ordinance of 1787, and subsequent acts of congress, are authorized "to form a permanent constitution and state government," whether they will now exercise this right, and ask admission into the Union.

For the purpose of bringing this question to the notice of the people, that the relative merits of a territorial and state government might be investigated and discussed, and their opinion known, I deem it my duty, both to the United States and to Wisconsin, to suggest to the electors the propriety of casting a vote upon it at the annual election in this territory held in September last. In several counties few votes were given, and the returns from others were imperfect. No result can therefore be stated, except the apparent satisfaction of the people with the present government, and with its administration from the period of its institution.

But as this government was not established by the inhabitants of the territory, and as the power has been conferred on congress to admit a state with a population less than sixty thousand, it is desirable that a law should be passed authorizing a vote to be annually taken upon the question, "whether a permanent constitution and state government shall be formed?"

The DEBT which has been created to defray the expenses of the legislature, and the charges upon the territorial treasury, for the payment of which no provision was made by those by whom it was incurred, demand your immediate consideration. The holders of bonds and scrip, and indeed all of the public creditors, have a right to their money; and the people have also a right to know by whom, and for what objects, this debt has been created.

I ask also that it may be adjusted and paid—that the STATE of Wisconsin may enter the Union FREE FROM DEBT.

Sixty-one "canal bonds" have been returned to this office: Nos. 1, 2, 3, and 57 to 100, by the late agent, and 37 to 51 by the cashier of the Bank of Vernon, and I recommend that they be cancelled.

From every quarter of the territory, we learn from the people that a more rigid economy in the public expenditures than has heretofore prevailed, is expected by them.

The fees of officers, the expenses of the courts, and of the town and county governments, are much greater than in many of the most respectable states in the Union, and every body admits that they greatly exceed the value of services rendered. So long as the people are taxed to pay the expenses of litigation, parties will be found to institute suits, and the terms of the courts be protracted to an unreasonable length.

The present *system of taxation* is acknowledged to be unequal in its rates, defective in its details, and in its operation most grossly unjust.

By many it is regarded as unconstitutional, and therefore void: whilst others view it as nothing less than a system by which the estates of the property-holders are forfeited to the office-holders and tax-title speculators.

The *printing* for the legislature it appears has cost about fifty thousand dollars—a sum which must appear very extravagant to those at least who are acquainted with the value of the work performed. There was paid to one establishment the enormous sum of eleven thousand dollars for the ordinary printing of the two houses for the session of 1838–39.

I would respectfully recommend the passage of a law to provide for the appointment of a territorial printer, and to fix the rate for which he shall be paid for his work.

Heretofore the printing has been performed under a resolution of one or both of the houses, at indefinite rates, and without the concurrence of the executive. That it has been done in a very loose and irresponsible manner, without supervision, is proved by the errors which have been detected in the journals and laws; and by the fact that a printer on a bill for printing for one session, was able to charge and receive \$1270 00 more than he was entitled to—of which he was afterwards convicted.

The distributive share of Wisconsin, of the nett proceeds of the public lands, remains undrawn in the treasury of the United States. Its amount to the 30th of June last, was one thousand and eighty-two dollars and forty-five cents. The territorial roads leading west from Astor, Milwaukee, Racine, and Southport, would be greatly benefitted by the application of this fund to the repairs which are required upon them; and I have no doubt that the inhabitants along each route would be willing to give an equal amount of labor to the same object, that these important thoroughfares may be rendered more useful to the public.

I should be glad to see this sum appropriated to this or some other beneficial object, before it is drawn from the treasury of the United States.

The extensive and valuable trade which is prosecuted upon the Wisconsin river, and the rapidly increasing settlements upon its borders and tributaries, demand that such means should be employed as are within the control of the legislature, to improve the navigation of this stream.

An appeal to congress by a memorial, if sustained by the delegate, would undoubtedly influence that body to grant an appropriation for this object, which has ever been regarded by those acquainted with the facilities which this river and the Neenah afford for a steamboat navigation between the Mississippi and Lake Michigan, of great national importance.

A very rich agricultural and mineral country, lying on the heads of the streams between the Mississippi and Wisconsin rivers, has attracted the attention of emigrants during the past season, and settlements have been formed at several points. For their convenience, and to facilitate the farther settlement of that country, as also for the purpose of establishing a communication with the copper mines on the Montreal river, I respectfully recommend that a territorial road be established from Prairie du Chien, by the mills on Black and Chippewa rivers, to the shore of Lake Superior at the mouth of the Montreal.

No other expenditure will be required upon it at present than to mark the route of its location, as prairie ridges may be followed to the Chippewa, and perhaps beyond. The five per cent. fund to be paid by the counties of Crawford and St. Croix into the

treasury, it is presumed, would be sufficient to defray the expense; and I therefore recommend that it be so appropriated.

In conclusion, I beg leave to assure you that it will give me great pleasure to unite with you in the adoption of such measures as may be proposed by you, which are calculated to promote the general welfare of the territory. It is expected of us, I think, by the people, that we should hold a short term, and confine our labors chiefly to the *amendment* of the laws now in force, rather than the enactment of new ones; as almost every new law brings additional *taxation*, or produces greater evils than are remedied.

J. D. DOTY.

EXECUTIVE DEPARTMENT, }
Madison, March 6, 1843. }

On motion of Mr. Whiton,

Five hundred copies of said message were ordered to be printed.

Mr. Whiton presented the petition of Lemuel Warren and others, for the construction of a dam across Rock river, at Janesville, and asked its reference to a select committee;

Which was read; and referred to a select committee, consisting of Messrs. Whiton, Baker and Barber.

The president announced the following standing committees, viz:

On internal improvements—Messrs. Barber, Newland and Martin.

On territorial affairs—Messrs. Crocker, White and Barber.

On judiciary—Messrs. Martin, Whiton and Crocker.

On agriculture and manufactures—Messrs. White, Hugunin and Barber.

On finance—Messrs. Newland, Heath and Martin.

On public expenditures—Messrs. Baker, Dewey and Rountree.

On militia—Messrs. Rountree, Newland and Heath.

On schools—Messrs. Hugunin, Rountree and White.

On incorporations—Messrs. Whiton, La Chapelle and Baker.

On territorial roads—Messrs. La Chapelle, Dewey and Heath.

Heretofore appointed:

On engrossed bills—Messrs. Dewey, Baker and La Chapelle.

On enrollment (joint)—Messrs. Whiton and Crocker.

Mr. Baker, on leave granted, presented

The petition of Lucien Wright and others, asking a prohibition of the killing of deer at certain seasons, and for other purposes;

Which was read and referred to the committee on the judiciary.

Mr. Baker also presented

The petition of certain citizens of the town of Troy, praying for the division of the said town of Troy;

Which was read and referred to the committee on the judiciary.

Also, a petition from the citizens of the town of Elkhorn;

Which, on being read, was referred to the same committee.

Mr. Crocker, on leave granted, presented

The petition of certain citizens of the town of Genesee, praying for a division of said town;

Which, on being read, was referred to the committee on the judiciary.

Also, the petition of Adelheid Deiser, praying for a divorce;

Which was referred to the same committee.

Mr. Baker presented

The petition of Thomas Fowleston, praying for a divorce;

Which was also referred to the committee on the judiciary.

On motion of Mr. Whiton,

The council adjourned.

TUESDAY, March 7, 1843.

The journal of the council for the previous day having been read,

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: The house of representatives have passed a resolution of the following title, to wit: No. 3, ‘Resolution authorizing the purchase of stationery,’ in which I am directed to ask the concurrence of this house.”

Mr. Whiton presented

A petition from Daniel Bennett and others, citizens of the towns of Beloit and Clinton, praying a town to be set off to be called by the name of Monroe; and also,

A remonstrance from Thomas Tuttle and others, against said petition;

And moved their reference to a select committee;

The motion was agreed to; and the president appointed Messrs. White, Whiton and Baker of said committee.

Mr. Baker presented

The proceedings of a school convention held in the town of East Troy, Walworth county, February 15th, 1843, asking for the repeal of "An act to amend the several acts to provide for the support of common schools," approved February 18, 1842, and to re-enact the law that previously existed in the territory upon the same subject;

And moved its reference to the committee on schools;

The motion was agreed to, and the reference was accordingly made.

Mr. Crocker offered the following resolutions, viz:

Resolved, That the governor, secretary of the territory, judges the supreme court, delegate in congress, members of congress, of state legislatures, and of the house of representatives, ex-members of the legislative assembly of this territory, and the reporters for such territorial newspapers as the council may by vote select, may be admitted to seats within the bar of the council.

Resolved, That it be the duty of the president to direct the sergeant-at-arms to enforce the observance of this rule.

Which were adopted.

Mr. Baker, on leave granted, gave notice that on some future day he should introduce

"A bill to change the time of holding courts in the second judicial district; and also to repeal section four of an act, entitled 'An act to amend the several acts to provide for the support of common schools,' approved February 18, 1842, and to enact the laws repealed by said section."

Mr. Rountree offered the following resolution, viz:

Resolved, That the secretary of the council furnish to the post

master at this place a list of the names of the members of the council, and that the postage on all letters and papers, to and from them, be paid out of the moneys appropriated to defray the expenses of the legislative assembly.

Mr. Crocker offered the following joint resolution, viz:

Resolved, by the council and house of representatives, that the sergeants-at-arms of the council and house of representatives be directed to prepare the north-west rooms and the south-west rooms on the second floor of the capitol, now occupied by the auditor and the secretary of the territory, for the use of the two houses, as committee rooms, and to notify the occupants that they are required for the use of the legislative assembly;

Which was read the first and second time.

Mr. Baker then moved that the rule which requires all bills and joint resolutions to be printed before being considered in committee of the whole, be suspended so far as it relates to the resolution under consideration;

Which was agreed to.

Mr. Rountree then moved that the resolution relative to postage on letters and papers to and from members of the council, be now considered;

Which was agreed to.

Mr. Crocker moved to amend said resolution by striking out the words "and from;"

Which was disagreed to.

Mr. Crocker then moved that the resolution be laid on the table;

Which motion was also negatived.

Mr. Baker moved to amend said resolution by adding the following: "during the present session;"

Which was agreed to.

The question then recurred on the adoption of the resolution, as amended;

And it was decided in the affirmative.

Mr. Whiton, on leave granted, presented

A petition of John Hackett and others, praying for the construction of a dam across Rock river;

And moved its reference to a select committee;

Which motion was agreed to; and Messrs. Whiton, Crocker and Rountree were appointed said committee.

Mr. Rountree moved that the vote of yesterday, by which 500 copies of the governor's message were ordered to be printed, be reconsidered;

Which was agreed to.

The question then recurred on the motion to print; and it was moved to lay the same on the table;

Which motion was lost.

Mr. Baker moved to amend the motion to print, by striking out "500" and inserting "300;"

Which was lost.

Mr. Whiton moved to lay the motion to print on the table;

Which was decided in the affirmative.

Mr. Rountree then moved to refer the message of the governor to the committee on the judiciary;

Which was decided in the negative.

Mr. Baker moved to refer said message to a select committee.

The motion was decided in the affirmative;

And Messrs. Baker, Barber and Heath were appointed said committee.

On motion of Mr. Rountree,

The council took up for consideration joint resolution No. 3, of the house of representatives;

Which was read the first and second time.

On motion of Mr. Whiton,

The council resolved itself into a committee of the whole, for the consideration of said joint resolution;

Mr. Crocker in the chair.

After some time, the committee rose and, by their chairman, reported the same back to the council without amendment.

The question was then put—"Shall the resolution be read the third time?"

Which was decided in the affirmative.

And the resolution having been read the third time, the question was then put—"Shall the resolution pass?" and it was decided in the affirmative.

Mr. Baker, on leave, offered the following joint resolution:

Resolved, the house concurring therein, that a joint committee of the two houses, consisting in each house of one member from every county which has adopted the system of town government, be appointed to report whether any alterations or amendments are required to the act entitled 'An act to provide for the government of the several towns in this territory, and for the revision of county government," approved February 18th, 1841, and that they be instructed to report by bill or otherwise;

Which was read the first and second time.

On motion of Mr. Crocker,

The 29th rule of the council, requiring all bills and joint resolutions to be printed before being considered in committee of the whole, was dispensed with so far as the resolution under consideration was concerned.

The council then went into committee of the whole, for the consideration of said joint resolution;

Mr. Rountree in the chair.

After some time the committee rose, and, by their chairman, reported the said joint resolution back to the council without amendment.

The question was then put—"Shall the resolution be engrossed for a third reading?"

Which was decided in the affirmative.

Mr. La Chapelle, from the committee on engrossed bills, reported "Joint resolutions relative to the committee rooms for the legislative assembly," to be correctly engrossed.

"Joint resolution relative to the committee rooms for the legislative assembly," was then taken up for consideration; and

The question then being on ordering the same to a third reading, it was decided in the affirmative; and,

The question then being on the final passage of the same, was also decided in the affirmative, and the title of the same was agreed to.

Mr. Crocker, on leave granted, presented

A petition from Clinton Walworth and others, relative to the owners of land paying the expense of survey of adjoining lands;

And moved its reference to the committee on judiciary, without reading;

The motion was agreed to, and reference was made accordingly.

Mr. Crocker also presented

A petition of the members of the bar of Milwaukee county, praying for an additional term of the district court for said county;

Which, on motion, was also referred to the committee on the judiciary.

Mr. Barber offered the following resolution, viz:

Resolved, That a select committee of three be appointed to revise the standing rules of the council, with instructions to report thereon as soon as practicable.

On motion,

Said resolution was adopted, and Messrs. Barber, Rountree and Martin were appointed said committee.

Mr. Baker offered the following resolution, viz:

Resolved, That John P. Sheldon, reporter for the Wisconsin Democrat, be admitted to a seat within the bar of this house;

And moved the adoption of the same; which motion was decided in the affirmative.

Mr. Barber then moved that the reporter of the Madison City Express be admitted to a seat within the bar of this house;

And the motion was decided in the affirmative.

On motion of Mr. Crocker,

The council adjourned until two o'clock this afternoon.

TWO O'CLOCK, P. M.

Mr. Newland, on leave granted, introduced

No. 1, "A bill relative to changing the time of holding courts in the second judicial district;"

Which was read the first and second time, and ordered to be printed.

Mr. Hugunin, on leave granted, laid before the council the following communication, viz:

"LIBRARIAN'S OFFICE, }
March 7, 1843. }

"To the legislative council of the territory of Wisconsin:

There has been delivered to me, under a contract made by my predecessor in office, with J. & L. Ward, of Milwaukee, a lot of

stationery, for the use of the legislative assembly. On Monday, the 6th instant, I called upon the acting clerks of the two houses, and informed them of the fact, and requested them to call in the library and receive the same. This they have neglected to do.

B. SHACKELFORD,
Territorial Librarian."

Which was read.

Mr. Hugunin moved for the reconsideration of the vote on the passage of the resolution authorizing the purchase of stationery.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for your signature, a 'Resolution to authorize the purchase of stationery.' "

Which resolution was then signed by the president.

Mr. Hugunin then renewed his motion;

Which was decided to be out of order.

Mr. Newland moved that the president be directed not to sign the resolution returned for his signature, but to return the same to the house of representatives, asking them to reconsider their action upon it;

Which motion was decided in the affirmative.

Mr. Rountree gave notice, that at some future day, he should ask leave to introduce a bill to provide for the election of a superintendent of territorial property, and for other purposes.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to inform the council that Messrs. Hamilton and Tripp have been appointed a committee of conference on the part of the house of representatives, and to request the council to appoint a similar committee, relative to the message of the hon. the council concerning 'Resolution to authorize the purchase of stationery.' "

The council took up said message for consideration, and

Mr. Hugunin moved that a committee on the part of the council be appointed, for the purpose mentioned in said message.

The motion was agreed to; and

Messrs. Hugunin and Rountree were appointed of said committee.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: Messrs. Walker and Platt have been appointed a committee on the part of the house of representatives, to ascertain the condition of the library and public property appertaining to the legislative assembly, and I am directed to request the appointment of a similar committee by this house, to act jointly with the said committee."

On motion of Mr. Crocker,

The message from the house, just received, was taken up and considered.

Mr. Crocker then moved that a similar committee on the part of the council be appointed;

And the motion was agreed to;

Whereupon, the president appointed Messrs. Crocker and Heath of said committee.

Mr. Hugunin, of the committee of conference in reference to the resolution to authorize the purchase of stationery, submitted the following report, viz:

"The committee of conference relative to the message from the council, have directed us to report, that the committee, having examined the subject, find the circumstances which induced the majority to direct the president of the council to withhold his signature and request a return of the resolution to the house of representatives, are different from those which were supposed to exist by that majority; and that the committee believe that the resolution should become a law; and that the committee therefore recommend to the council, that the presiding officer of the council be requested to place his signature to the resolution."

Which report was agreed to.

Mr. La Chapelle, from the committee on engrossed bills, reported "Joint resolution relative to town government," as correctly engrossed.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I have been directed to inform the council, that the report of the committee of conference, relative to the resolution to authorize the purchase of stationery, has been adopt-

ed by the house of representatives, and also to return the said resolution to this house."

Mr. Baker moved that the journal of yesterday be amended by striking out the words, "the council met pursuant to adjournment—the journal of the previous day having been read," and insert in lieu thereof, the following: "the council was called to order at 10 o'clock, A. M., by the president."

Upon which question, the ayes and noes were called, when Mr. Barber moved that the question be laid on the table; Which motion was agreed to.

On motion of Mr. White,
The council adjourned.

WEDNESDAY, March 8, 1843.

The council met pursuant to adjournment.

The journal of the previous day having been read and corrected,

The president laid before the council the following communication from the post-master at Madison, in relation to the resolution of the council relative to postage:

"MADISON, March 7, 1843.

"Hon. MOSES M. STRONG,

President of the council:

SIR: I have seen a resolution which passed the council this day relative to postage, the object of which is, to ask a credit until the close of the present session of the assembly. The present quarter of the post-office year will expire on the 31st of this present month. On which day, I am liable to be called upon for the quarter's postage; and as the drafts are usually presented on the last day of the quarter, or the day following, it would be *very inconvenient* for me to raise the amount that might be due from the assembly, should a credit be given. It is known to the assembly, that the

fiscal officer of the territory is absent, and that the time when he will return quite uncertain ; if he were here a deposit could be made, which would prevent the penalty from attaching to the post-master, imposed by the act of August, 1841, repealing what is called the sub-treasury law. This act makes the *embezzlement* of public money a *felony* and a *refusal* to pay over the amount that is due, *prima facie evidence* of such embezzlement. I deem it proper also to state, that should a removal of the post-master at this place occur, which I believe is expected, he would be liable to be called upon immediately for all that might be due the department. In view of all these circumstances, I hope it will not be considered unreasonable if I refuse to give a credit for postage.

I should be gratified to comply with the wishes of the council, could I do so consistent with duty to myself and the post office department.

I am, sir, with high respect,

Your obd't serv't,

JOHN CATLIN, P. M."

Which was read, and laid on the table.

Mr. Rountree presented the remonstrance of Henry Tuttle and others, against the petition for the division of the towns of Beloit and Clinton;

Also, the remonstrance of John Coney and others, against the erection of a dam at any point on Rock river below the town of Jefferson;

Which said remonstrances were read and referred to the same select committee to whom the petitions, to which they related, had been referred.

Mr. Newland presented the petition of Samuel G. Peak, and others;

Which was referred to the committee on the judiciary.

Mr. Newland also presented the petition of Henry Thien and others, praying for the passage of an act authorizing him to build a dam across the Milwaukee river, in Washington county;

Which was referred to the committee on territorial affairs.

Mr. Baker presented the petition of Reuben B. Burroughs and others, of town three, range seventeen, Walworth county, in reference to certain movements having in view the cutting off a portion of said town.

Also, the proceedings of a meeting at Hart Prairie asking for a change of name to that of "Lagrange;"

Both of which were referred to the committee on the judiciary.

Mr. Newland offered the following preamble and resolution, viz:

Whereas, by the act to provide for the appointment of a territorial treasurer, it is made the duty of the treasurer to lay before the legislature, at its annual session, a true and exact statement of the balance in the treasury—with the summary of receipts and payments of the treasury during the preceding year; and whereas, no report has yet been submitted, therefore,

Resolved, That the treasurer be requested, forthwith to lay such report before the legislature.

Which was laid on the table.

Mr. Hugunin offered the following resolution, viz;

Resolved, That the editor and reporters of the Wisconsin Enquirer, be admitted to a seat within the bar of this house.

Which was laid on the table.

The President called Mr. Newland to the chair,

And from the floor offered certain joint resolutions relative to the north-western boundary.

The chair decided that Mr. Strong was not in order;

From which decision of the chair an appeal was taken,

And the yeas and nays being taken, the result was as follows:

Yeas—Messrs Newland and White—2.

Nays—Messrs. Baker, Barber, Crocker, Heath, Hugunin, La Chapelle, Rountree, and Strong (president)—8.

And so the appeal was sustained.

On motion, the said joint resolutions were then read the first and second time by their title.

Mr. Baker gave notice that on some future day he should ask leave to introduce "a bill to prohibit exhibitions of animals, wax or other figures, rope or wire dancers, feats of circus riding, or slight of hand, for gain, without a permit;" and also, "a bill authorizing the clerks of district courts to grant certificates to jurors and witnesses, which shall be receivable in payment for county taxes."

Mr. Newland gave notice that on some future day he should ask leave to introduce "a bill to remit the interest due on bonds ari-

sing from the sale of canal lands, in the counties of Milwaukee and Jefferson," and also, "a bill to repeal all laws in force, authorizing any further sale of the canal lands."

Mr. Crocker, of the committee on engrossed bills, reported that said committee had presented No. 3, being a "Resolution to authorize the purchase of stationery," to the governor for his signature, on the 7th inst.

No. 2, being a "Joint Resolution relative to town government," was taken up and read the third time, and,

On motion, said resolution was then passed, and the title thereof agreed to.

Mr. Rountree, on leave granted, introduced

No. 2, "A bill to provide for the appointment of a superintendent of territorial property, and for other purposes;"

Which was read the first and second time.

Mr. Baker, on leave granted, introduced

No. 3, "A bill relative to taxes for school purposes;"

Which was read the first and second time.

Mr. Hugunin moved, that the resolution relative to the admission of the editor and reporters of the Wisconsin Enquirer, to a seat within the bar of this house, be taken up for consideration;

Upon which motion the ayes and nays were called, and were as follows:

Yeas—Messrs. Barber, Heath, Hugunin, Newland, Rountree, White and Whiton—7.

Nays—Messrs. Baker, Crocker, La Chapelle and Strong, (President)—4.

And the council went into the consideration of said resolution.

Mr. Rountree moved to amend said resolution, by striking out the words "editor and," also the letter "s," at the end of the word "reporters," which was agreed to.

The question then being on the passage of the resolution as amended; and the ayes and nays being called, they were as follows:

Ayes—Messrs. Barber, Heath, Hugunin, Newland and Rountree—5.

Nays—Messrs. Baker, Crocker, LaChapelle, White, Whiton, and Strong (President)—6.

So the resolution was rejected.

The following message from the house^d of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have passed a resolution for the purpose of revising the joint rules of the two houses, in which the concurrence of this house is asked."

The president laid before the council the following communication of Elisha Starr, viz:

"Milwaukee, March 4, 1843.

To the hon. the legislature of Wisconsin territory:

Gentlemen—I will do the territorial printing for both houses, and give security for its performance, at the following rates:

Composition, per 1000 ems 37 cents;

Press work, per token, 37 "

Paper to be charged at cost.

Payment to be made when the work is completed, in specie or its equivalent.

Yours respectfully,

ELISHA STARR."

Which, together with the communication from Messrs Lamberts and Reed, on the same subject,

Were, on motion, referred to the committee on expenditures.

On motion of Mr. Whiton,

Bill No. 1, of council file, was referred to the committee on the judiciary.

Mr. Crocker moved, that the resolution accompanying the message from the house, relative to revising the joint rules of the two houses, be now taken up and considered,

Which was agreed to,

And the resolution was read the first and second time.

On motion of Mr. Newland,

The council resolved itself into committee of the whole for the consideration of said joint resolution;

Mr. Barber in the chair; and,

After some time the committee rose, and reported back to the council said resolution without amendment.

The question was then put, "shall the resolution be read the third time?" and was decided in the affirmative;

And said resolution was read the third time.

The question then being, "shall the resolution pass?" it was also decided in the affirmative;

So the resolution was adopted, and the title was agreed to.

Mr. Whiton, of the committee to whom was referred the "petition of certain citizens of the town of Rock, in the county of Rock, for the annexation of certain fractions of lands to said town," on leave granted, reported

No. 4, "A bill to annex certain fractions or lots of land to the town of Rock, in the county of Rock;"

Which was read the first and second time.

On motion of Mr. Barber,

The council adjourned.

THURSDAY, March 9, 1843.

The council met pursuant to adjournment.

The journal of the preceding day having been read,

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have appointed Messrs. Hamilton, Elmore, and Manahan, of the committee to revise the joint rules for the government of the two houses, and have concurred in the joint resolution of this house entitled "Resolution relative to the committee rooms for the legislative assembly."

Mr. Newland offered the following resolution, viz:

Resolved, That the treasurer of the territory be requested, at an early day to communicate to the council, what amount of territorial drafts were issued under the act of the seventeenth of February, 1842, for defraying the expenses of the legislative assembly, and whether all the creditors of the territory have applied and received drafts, in remuneration of the several amounts of which they were creditors; and if not, what amount is yet in his hands, subject to be delivered when called for by the proper persons.

Mr. Barber, from the select committee appointed to revise the standing rules of the council, submitted the report of said committee.

Mr. Barber, from the joint committee appointed to revise the rules for the government of both houses, submitted the report of said committee.

On motion of Mr. Hugunin,

Bill No. 3, "A bill relative to taxes for school purposes,"

Was referred to the committee on schools.

On motion of Mr. Rountree,

The report of the select committee, appointed to revise the rules of the council, was taken up.

On motion of Mr. Rountree,

The council resolved itself into a committee of the whole for the consideration of said report.

After some time, the committee rose and reported the same back to the council with amendments, which amendments were concurred in;

And then the report, as amended, was adopted by the council.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have adopted the report of the joint committee, appointed to revise the joint rules for the government of the two houses."

On motion of Mr. Barber,

The report of the joint committee, appointed to revise the joint rules for the government of both houses, was taken up and adopted by the council.

On motion of Mr. White,

The council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

On leave, Mr. Baker introduced

Bill No. 5, "A bill authorizing clerks to issue certificates to jurors and witnesses;"

Which was read the first and second time.

On motion of Mr. Baker,

The motion of a previous day, to amend the journal of Monday, the sixth day of March, by striking out, at the commencement of the same, the words "The council met pursuant to adjournment," and insert in lieu thereof, the words: "The council was called to order at ten o'clock, A. M. by the President," was taken up; and

The question being put on agreeing to the same, and the yeas and nays having been called, they were as follows:

Those voting in the affirmative were,

Messrs. Baker, Heath, Hugunin, Newland, and White—5.

Those voting in the negative were,

Messrs. Barber, La Chapelle, Rountree, and Strong (President)—4.

So the motion prevailed.

Mr. Newland, by leave granted, offered the following resolution, viz:

Resolved, That the committee on the judiciary be instructed,

1. To ascertain, as near as they may be enabled, by the various reports heretofore submitted to the legislature by the Milwaukee and Rock river canal company, or by such other sources of information as they may deem expedient, or be enabled to procure, what amount of indebtedness the territory is now under to the general government, for the sale of canal lands under the act of congress of 1838; and what amount of money has been received by said company from the sales of said lands; and how the same has been applied.

2. Whether the legal or equitable right of the water power, created by such portion of said canal as is now completed in the town of Milwaukee, is in the Territory or said company, or jointly the property of both parties; and if either right is vested in the Territory, what course is necessary to be pursued by the legislature to sustain the rights and interests of the people; and that said committee have power to send for persons and papers; and that they report by bill or otherwise."

Which resolution was adopted.

Mr. Newland, by leave granted, offered the following resolution, viz:

Resolved, That the committee on the judiciary be instructed

to inquire into the expediency of reducing, and establishing uniformity in fees of the clerks of the circuit courts, upon the naturalization of foreigners, and that they report by bill or otherwise."

Mr. Newland moved, that the "Resolution relative to a report of the territorial treasurer," be taken up,

Which was agreed to,

And said resolution was then taken up, and, on motion, adopted.

On motion of Mr. Newland,

The "Resolution relative to territorial drafts in the hands of the treasurer," &c., was taken up,

And was then, on motion, adopted.

On motion of Newland,

The council adjourned.

FRIDAY, March 10, 1843.

The council met pursuant to adjournment.

The journal of the council for the previous day having been read,

The President announced the following standing committees, viz :

On Territorial Expenditures—Messrs. Newland, Heath, and Martin.

On Legislative Expenditures—Messrs. Baker, Dewey, and Rountree.

The President laid before the council the following communication, viz :

"Madison, March 9, 1843.

To the hon. the legislative assembly of the territory of Wisconsin:

I propose to do the printing for the present session of the legislature at the following rates, viz :

Composition, per 1000 ems, \$0 36

Presswork, per token, 0 36

P. S. In making this proposition, it is contemplated that the

contract shall include the incidental printing, and the laws and journals of both houses. Any security which may be required can be given for the performance of the contract.

DANIEL M. HOLT.

Gold and silver will be required in payment at the close of the session.

D. M. H."

Which was read, and referred to the committee on legislative expenditures.

Mr. Newland presented the petition of Jacob Schneider and others, on the subject of town government;

Which was referred to the committee on incorporations:

Mr. Baker offered the following resolutions, viz:

"*Resolved*, That the governor's message be now taken up and referred to committees, as follows:

That so much thereof as relates to the passage of a law, authorizing a vote to be annually taken, whether a permanent constitution and state government shall be formed by the people of this territory, be referred to the committee on territorial affairs;

That so much as relates to the expenses of the legislature, be referred to the committee on legislative expenses;

That so much as relates to the charges upon the territorial treasury, be referred to the committee on territorial expenditures;

That so much as relates to canal bonds, be referred to the committee on the judiciary;

That so much as relates to the fees of officers, the expenses of courts, and of the town and county governments, be referred to the committee on public expenditures;

That so much as relates to the present system of taxation, be referred to the committee on the judiciary;

That so much as relates to the printing for the legislature and the appointment of a territorial printer, be referred to a select committee;

That so much as relates to the distributive share of Wisconsin in the nett proceeds of the public lands, now in the treasury of the United States, be referred to the committee on territorial affairs;

That so much as relates to the improvement of the Wisconsin river, be referred to the committee on internal improvement;

That so much as relates to the establishing of a territorial road from Prairie du Chien to the mouth of Montreal river, be referred to the committee on territorial roads;

That so much as relates to the length of time the present legislature shall sit, be referred to the committee on the judiciary;

And that the said committees be instructed to report, on the several matters referred to them respectively, by bill or otherwise."

On motion of Mr. Newland,

Bill No. 2, "A bill to provide for the appointment of a superintendent of territorial property, and for other purposes,"

Was referred to the committee on territorial affairs, with instructions to inquire into the expediency of so modifying the same, as to provide for the election of a territorial auditor and treasurer by the legislative assembly, and to consolidate such offices, as they may deem expedient.

On motion of Mr. Rountree,

The committee to whom the message of the governor was referred, were discharged from the further consideration of the same;

And the council resolved itself into a committee of the whole, Mr. Whiton in the chair,

For the consideration of the message of the governor, and the "Resolution relative to the message of the governor."

During the session of the committee, the chief clerk of the house of representatives was announced, when the president took the chair, and the following message was received, viz:

"Mr. President: The house of representatives have concurred in resolution No. 2, of this house, entitled 'Joint resolution relative to town government,' and have appointed, on their part, under the said resolution, Messrs. Hunkins, Bartlett, Hopkins, Masters, Agry and Darling, of the committee.

The following are the committees of the house of representatives, which, by the 16th joint rule, are requested to act with the same committees of this house, to wit:

On legislative expenditures—Messrs. Elmore, Agry, Judson, Trowbridge and Tripp.

On territorial expenditures—Messrs. Tripp, Darling, Hamilton, Walker and Meeker.

On enrolled bills—Messrs. Long and Manahan.”

The committee of the whole again resumed its session; and the chief clerk of the house of representatives was announced, when the president took the chair and the following message was received, viz:

“Mr. President: The house of representatives have passed a resolution, limiting the time of presentation of demands, in which I am directed to ask the concurrence of this house.”

The committee of the whole again resumed its session.

After some time the committee rose, and by their chairman reported back to the council the message of the governor, and the resolution which they had had under consideration, with amendments to the resolution, in which amendments they asked the concurrence of the council.

The council, on motion, concurred in the amendments of the committee of the whole.

Mr. Crocker moved to amend the last section of the resolution, by striking out the following words, viz: “that so much as relates to the length of time the present legislature shall sit, be referred to the committee on the judiciary;”

Which was disagreed to.

The question then being on the adoption of said resolution, It was adopted.

Mr. Newland offered the following resolution:

Resolved, That each member of the council be entitled to thirty newspapers, published within the territory, during the present session of the legislature, and that payment for the same be provided for by the present legislative assembly.

Mr. Barber moved to amend the resolution by striking out the word “thirty,” and inserting in place thereof, the word “six.”

Upon the question as to the adoption of the amendment, the ayes and noes were called, and were as follows:

Those who voted in the affirmative, are

Messrs. Baker, Barber, Crocker, Rountree, White, Whiton and Strong, (Pres’t)—7.

Those who voted in the negative, are

Messrs. Heath, La Chapelle and Newland—3.

So the amendment was adopted.

The question then being on the adoption of the resolution, as amended, and the ayes and noes being called, were as follows:

Those who voted in the affirmative, are

Messrs. Baker, Barber, Crocker, Rountree and White—5.

Those who voted in the negative, are

Messrs. Heath, La Chapelle, Newland, Whiton and Strong (Pres't) 5.

So the resolution was rejected.

Mr. Crocker, on leave granted, offered the following resolution, viz:

Resolved, That the governor be requested to communicate to this house, a copy of a letter by him addressed to the secretary of the treasury during the past year, in which he estimates the debt of the territory of Wisconsin at three hundred thousand dollars;

Which was adopted.

Mr. Crocker, from the committee on the judiciary, reported

Bill No. 6, "A bill to authorize the register of deeds of Washington county to procure copies of certain records from the office of register of deeds of Milwaukee county;"

Which was read the first and second time.

Mr. Crocker, chairman of the committee on territorial affairs, reported

Bill No. 7, "A bill to authorize Henry Thien to build a dam on the Milwaukee river;"

Which was read the first and second time.

On motion of Newland,

The council adjourned until seven o'clock, P. M.

SEVEN O'CLOCK, P. M.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have passed the following, viz:

No. 3, 'A bill to amend an act authorizing Webster Stanley to maintain a ferry across Fox river, approved February 18, 1842;" and

A 'Resolution concerning an estimate of the expenses of the

present session of the assembly;' and have appointed Messrs. Platt and Walker, of the committee on their part, under the said resolution.

In which bill and resolution, I am directed to ask the concurrence of the council.

I am further directed to present for the reconsideration and approval of this house, a 'Resolution to authorize the purchase of stationery,' which had been presented to the governor for his approval, and returned with his objections thereto; which resolution has been reconsidered and passed by the house of representatives—twenty-three members voting in the affirmative, and none in the negative.

I am also directed to transmit the message of the governor returning said resolution without his signature."

Mr. Crocker, by leave, presented the petition of Henry S. Brown, praying for a change of name;

Which was referred to the committee on the judiciary.

Mr. Newland moved, that the message from the house be now taken up and considered;

Which was agreed to.

On motion of Mr. Crocker,

A call of the council was made.

Messrs. Whiton, White, Barber, and Martin, were reported absent.

The sergeant-at-arms was despatched for the absent members.

On motion of Mr. Barber,

Further proceedings under the call of the council were dispensed with.

Mr. Barber offered the following resolution, viz:

Resolved, That the house of representatives be requested to transmit to this house any papers, documents, or reports in its possession, relating to the purchase of stationery for the present session.

Which was adopted.

On motion of Mr. Crocker,

The business under consideration previous to the call of the council, was laid on the table;

And house bill No. 3, was taken up and read the first and second time.

On motion of Mr. Newland,

All rules of the council, preventing said bill from being now read the third time, were suspended so far as said bill was concerned.

The bill was then read the third time and passed, and the title agreed to.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to transmit to the council certain papers relating to a 'resolution to authorize the purchase of stationery.' "

On motion of Mr. Newland,

The message from the house of representatives informing the council that "Resolution to authorize the purchase of stationery," returned by the governor without his signature, had been reconsidered and approved of by the house of representatives, by a vote of 23 ayes and 1 no—was now taken up.

The question was then put on said "Resolution to authorize the purchase of stationery"—"Will the council on reconsideration approve said resolution?"

And the ayes and noes being called for, they were as follows: viz:

Those who voted in the affirmative, are

Messrs. Baker, Barber, Crocker, Heath, Hugunin, La Chapelle, Martin, Newland, Rountree, White, Whiton and Strong, (Pres't)—12.

Noes—0.

No member voting in the negative, the resolution on reconsideration was unanimously approved.

On motion of Mr. Barber,

The council resolved itself into a committee of the whole, for the consideration of joint resolution No. 3,

Mr. Newland in the chair.

After some time the committee rose, reported progress, and asked leave to sit again to-morrow evening, at 7 o'clock;

Which was granted.

On motion of Mr. Crocker,

The council adjourned until nine o'clock to-morrow morning.

SATURDAY, March 11, 1843.

The council met pursuant to adjournment.

The journal of the preceding day having been read,

The president announced the appointment of Messrs. Baker, Martin, White, Hugunin, Barber and Whiton, of the committee on the part of the council under "Joint resolution relative to town government."

Mr. Barber gave notice, that he should on some future day ask leave to introduce a bill, entitled "A bill fixing the time of holding the annual session of the legislative assembly, and for other purposes."

Mr. Newland moved that the vote of yesterday, by which the resolution relative to newspapers was rejected be reconsidered;

Which motion was laid on the table.

Mr. Newland gave notice that he should, on some future day, ask leave to introduce a bill, entitled "A bill to amend an act to prevent trespass and other injuries being done to the possessions of settlers on the public lands, and to define the rights of possession—approved January 4, 1840."

On motion of Mr. Newland,

The rule of the council which provides that all bills and joint resolutions shall lie on the table one day after being printed, before being considered in committee of the whole, was suspended so far as concerned bill No. 6, entitled

"A bill to authorize the register of deeds of Washington county to procure copies of certain records from the office of register of deeds of Milwaukee county;" and,

On motion of Mr. Newland,

The council resolved itself into a committee of the whole for the consideration of said bill;

Mr. Rountree in the chair.

After some time, the committee rose and reported back to the council said bill without amendment; when,

On motion of Mr. Crocker,

The same was laid on the table.

On motion of Mr. Rountree,

The "Resolution concerning an estimate of the expenses of the present session of the assembly," accompanying the message of the house of representatives, was then taken up and adopted;

And Messrs. Baker and Rountree were appointed of the committee on the part of the council, under said resolution.

The "Resolution limiting the time of presentation of demands," from the house of representatives, was then taken up for consideration; and,

On motion of Mr. Newland,

Was laid on the table.

Mr. Martin, on leave, presented the petitions following:

The petition of Samuel H. Farnsworth, praying for the privilege of building a dam across the Menomonee river;

The petition from certain citizens of Pishwaukie, praying to be attached to the town of Howard;

And moved their reference to the committee on incorporations, Which motion was agreed to.

Also, a petition from certain citizens of Winnebago county, praying for a legalization of the election held in 1842, and moved its reference to the committee on the judiciary;

Which was agreed to.

On motion of Mr. Baker,

The rule of the council, which provides that all bills shall lie on the table one day after being printed, before being considered in committee of the whole, was suspended in relation to bill No. 5, "A bill authorizing clerks to issue certificates to jurors and witnesses," and

On motion of Mr. Baker,

The council resolved itself into a committee of the whole, for the consideration of said bill;

Mr. Heath in the chair,

And pending the consideration thereon, the clerk of the house of representatives was announced; when the president resumed the chair, and the following message was received, viz:

"Mr. President: I am directed to present for your signature, 'An act to amend an act authorizing Webster Stanley to maintain a ferry across Fox river, approved February 18, 1842,' which has been signed by the speaker of the house of representatives."

Whereupon the president placed his signature to said bill.

The committee of the whole then resumed their session, and after some time, rose and reported the same back to the council with amendments, in which they asked the concurrence of the council; and

Which were concurred in.

The question then being—"Shall the bill be engrossed for a third reading?"

It was decided in the affirmative.

On motion of Mr. Newland,

The vote of yesterday, by which the motion for a reconsideration of the resolution relative to taking newspapers was rejected, was taken up.

Mr. White moved that the vote of yesterday, by which said resolution was amended, by striking out "thirty" and inserting "six," be now reconsidered;

Which was decided in the affirmative.

The question then recurring on the motion to amend said resolution by striking out "thirty" and inserting "six,"

It was decided in the negative.

The question then being on the adoption of the resolution,

Mr. Barber moved to amend by striking out "thirty" and inserting "fifteen."

Mr. White moved to amend the amendment, by striking out "fifteen" and inserting "twenty;"

Which was decided in the affirmative.

The question then recurring on the amendment as amended;

It was decided in the affirmative.

The question then recurring on the adoption of the resolution as amended;

And the ayes and noes being called for, they were as follows, viz:

Those who voted in the affirmative were,

Messrs. Heath, Hugunin, La Chapelle, Newland and White

—5.

Those who voted in the negative, were

Messrs. Baker, Barber, Crocker, Martin, Rountree, and Strong

(Pres't)—6.

So the resolution was rejected.

Mr. Crocker, on leave granted, offered the following, entitled Bill No. 8, "A bill to authorize Henry Sanders Brown to change his name;"

Which was read the first and second time.

On motion of Mr. Newland,

The rule of the council which provides that bills and joint resolutions shall not receive their second and third reading on the same day, was suspended with reference to said bill No. 8, under consideration;

And, on motion, the bill was read the third time.

The question then being—"Shall the bill pass?"

On motion of Mr. Crocker,

The same was laid on the table.

Mr. Martin gave notice that on some future day, he should ask leave to introduce the following entitled bills:

"A bill to amend the act to organize the county of Winnebago," and

"A bill to change the boundaries of certain towns therein named."

On motion of Mr. Rountree,

The council adjourned until seven o'clock, P. M.

SEVEN O'CLOCK, P. M.

Mr. Crocker, on leave, presented

A petition from James Y. Watson and others, praying for an amendment of the acts relative to common schools, and the act relative to township government; and moved its reference to the select committee on township government.

The motion was agreed to, and reference was made accordingly.

A message in writing from his excellency the governor, was delivered by his private secretary, Charles Doty, in answer to a resolution of the council of the 10th instant; which was read, and, together with the accompanying documents, was laid on the table.

Mr. Crocker offered the following resolutions, which were adopted:

Resolved, That the Milwaukee and Rock River Canal Company be requested to communicate to this house, a statement, in detail, of the expenditures of said company, showing how much has been expended for work done on the canal, under contract or otherwise; how much for salaries and compensation of officers and agents; how much for obtaining the grant of lands from congress; how much in making the survey and location of said canal, and how much for printing and other incidental expenses.

That said company further communicate, how much money has been expended by them for the purposes aforesaid; how much furnished by the territory, and how much is now due contractors and others for work done on said canal.

That said company further communicate the number of leases by them executed, of water power on said canal, together with the terms of said leases, showing the quantity of water leased, and the amount of rent paid or agreed to be paid by the several lessees.

That the said company further communicate, upon what terms they will surrender to the territory the privileges of their charter; their interest, if any, in the canal lands; the water power created by the canal, and the lease of said water power already executed.

Resolved, That the secretary furnish to the president of the Milwaukee and Rock River Canal Company, a copy of the foregoing resolution.

On motion of Newland,

The council resumed its session in committee of the whole, for the consideration of "Joint resolutions relative to the north-western boundary of Wisconsin, and the treaty of 1842;"

Mr. Newland in the chair.

The committee after some time rose and reported back to the council said resolutions with amendments; in which they asked the concurrence of the council.

The question being—"Will the council concur in the amendments of the committee of the whole to said joint resolutions?"

It was decided in the affirmative, and the amendments were concurred in.

Said resolutions, as amended, were as follows:

Resolved, by the council and house of representatives of the territory of Wisconsin, that the treaty to settle and define the

boundaries between the territories of the United States, and the possessions of her Britannic Majesty in North America, &c., &c., concluded at Washington, on the 9th day of August, A. D. 1842, between Daniel Webster on the part of the United States, and Lord Ashburton on the part of Great Britain—by defining as the boundary between the United States and Great Britain, from Lake Superior to the Lake of the Woods, a line from “the mouth of Pigeon river, and up the said river to and through the north and south Fowl Lakes, to the lakes of the height of land between Lake Superior and the Lake of the Woods; thence along the water communication to Lake Saisaginaga, and through that lake; thence to and through Cypress Lake, Lac du Bois Blanc, Lac la Croix, Little Vermillion Lake, and Lake Namecan, and through the several smaller lakes, straits or streams, connecting the lakes here mentioned to that point in Lac la Pluie or Rainy Lake, &c., surrenders to the British government, without the slightest equivalent, the extensive tract of country lying between the aforesaid boundary, and the water communication from Lake Superior by way of the Kamanistiquia river and the Long Lake (now sometimes called Dog Lake,) to Lac la Pluie or Rainy Lake, and bounded on Lake Superior and its bays, for a distance of fifty miles or more, and especially that portion of said tract of country, which lies between the two channels of Pigeon river—all of which extensive tract of country was clearly within the limits of the United States, as defined by the treaty of 1783; within the limits of the territory of Wisconsin, as established by the act of congress approved April 20, 1836, and June 12, 1838, within the boundaries of the fifth state, to be established in the territory northwest of the Ohio river, as prescribed by the ordinance of July 13, 1787, and which, by said ordinance, are to be the boundaries of the future state of Wisconsin.

Resolved, That the *understanding*, expressed in the concluding paragraph of the second article of said treaty of 1842, “that all the water communications and all the portages along the line from Lake Superior to the Lake of the Woods, and also Grand Portage, from the shore of Lake Superior to the Pigeon river, as now actually used, shall be free and open to the use of the citizens and subjects of both countries,” is a concession to the British gov-

ernment, without compensation or equivalent, of the free and open use of the territory of the United States, which, previous to the treaty, was under the jurisdiction of this Territory, and which was abandoned in 1802 by British subjects, solely for the reason that by the treaty of peace of 1783, and Jay's treaty of 1894, the territory was clearly placed within the limits of the United States.

Resolved, That the treaty of August 9th, 1842, is a violation of said ordinance of July 13th, 1787, which is paramount to the constitution of the United States, which was formed September 17th, 1787, and that the treaty making power contained in the constitution does not and cannot confer upon the president and senate of the United States, power to take away from the people of the "North-West Territory," (of which Wisconsin is now the only remaining part,) who were not parties to the constitution, any portion of the territory or jurisdiction which is conferred upon them by the ordinance of 1787, which is older than, and paramount to the constitution of the United States.

Resolved, That the treaty of August 9th, 1842, so far as the same surrenders to the British government any tract of country to which they had not a title by the treaty of 1783, and so far as it concedes to the British government the free and open use of portages and water communications, to the free and open use of which that government was not entitled by the treaty of 1783, is a palpable violation of the established rights of the people of the territory of Wisconsin, and of the people who shall form the fifth state in the North-West Territory; and as such, the territory of Wisconsin, speaking through her representatives in the legislative assembly of the territory now here, makes her solemn protest against it; and declares that in those respects, the said treaty is unjust, unauthorized and void, and is not obligatory upon the people of the territory of Wisconsin, and will not be respected or observed by the people of the future state of Wisconsin, but that the said state of Wisconsin will, and of right may, exercise jurisdiction over all such territory, water communications and portages, as were within the jurisdiction of the United States under the treaty of 1783.

Resolved, That the government of the United States be requested, at the earliest opportunity, by negotiation with the British gov-

ernment, or otherwise, to restore to the people of this territory their boundary as defined by the treaty of 1783, of which the treaty of 1842 attempts unjustly to deprive them.

Resolved, That, as an evidence of the gratitude of the legislative assembly to the Hon. Thomas H. Benton, for his efforts in the senate of the United States to prevent the ratification of the treaty of 1842, and of his persevering efforts in the same body, since its ratification, in exposing to the country the unjust and treacherous surrender of American rights of soil and jurisdiction in the vicinity of the United States boundary between Lake Superior and the Lake of the Woods, to British exaction; a copy of these resolutions, certified by the secretary of the council and chief clerk of the house of representatives, be forwarded to him, with a request that he will present them to the senate of the United States.

The question then being on the adoption of said resolutions as amended,

Mr. Barber moved that they be indefinitely postponed;

And the ayes and noes being called, the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Heath, Hugunin, La Chapelle, Roundtree and White—7.

Those who voted in the negative, were

Messrs. Newland, and Strong, (Pres't) 2.

So the resolutions were indefinitely postponed,

On motion of Mr. Hugunin,

The council adjourned.

MONDAY, March 13, 1843.

The council met pursuant to adjournment.

The journal of the preceding day having been read,

Mr. Crocker presented the account of Charles C. Sholes, for printing the laws of the session of 1841-2;

Which was referred to the committee on legislative expenditures.

Mr. Whiton presented

A remonstrance against the petition from citizens of Beloit and Clinton, praying for a town to be set off;

Which was referred to the select committee, consisting of Messrs. Whiton, Baker and Barber, to whom the petition on the same subject had been referred.

Also, a petition from H. G. Spencer;

Which was referred to the committee on incorporations.

Mr. Martin, chairman of the committee on the judiciary, moved that said committee be discharged from the further consideration of a petition of Rand and others, for dividing the town of Elkhorn; also, of the petition of inhabitants of Genesee, for a division of said town; also, of the remonstrance of R. B. Burroughs and others; also, of the petition of certain citizens of Troy; also of the proceedings of a meeting held at Hart Prairie;

The motion was agreed to,

And, on motion, said petitions and remonstrance were referred to the committee on incorporations.

Mr. Martin, from the committee on the judiciary, reported bill No. 9, "A bill to legalize the proceedings of the inhabitants of Winnebago county, in the organization of said county;"

Which was read the first and second time.

And, on motion, so much of the rules of the council as prevent the reading of the same the third time before being printed and considered in committee of the whole, were dispensed with so far as the said bill was concerned.

Mr. Crocker, from the committee on territorial affairs, to whom was referred bill

No. 2, "A bill to provide for the appointment of a superintendent of territorial property, and for other purposes,"

Reported the same with an amendment.

Mr. La Chapelle, from the committee on engrossed bills, reported bill

No. 5, "A bill authorizing clerks to issue certificates to jurors and witnesses;"

As correctly engrossed.

Mr. Hugunin, from the committee on schools, reported bill No. 3, "A bill relative to taxes for school purposes,"

With amendments.

Bill No. 5, was then called up, and, on motion, read the third time.

On motion of Mr. Baker,

It was laid on the table.

Mr. Martin, on leave, introduced bill

No. 10, "A bill to change the boundaries of certain towns therein named;"

Which was read the first and second time.

On motion of Mr. Martin,

So much of the 29th rule of the council as requires bills to be printed before being considered in committee of the whole, was suspended so far as the bill under consideration was concerned.

Mr. Newland, on leave, introduced bill

No. 11, "A bill to repeal so much of an act supplementary to the several acts relating to the Milwaukee and Rock river canal, approved February 12, 1841, and such other acts or parts of acts, as authorize the sale of canal lands and issuing bonds to aid in the construction of said canal;"

Which was read the first and second time.

On motion, so much of the rules of the council as require the printing of bills and joint resolutions before being considered in committee of the whole, was suspended so far as said bill was concerned.

Mr. Newland, on leave, introduced bill

No. 12, "A bill to amend an act to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession on said lands, approved January 4th, 1840."

Mr. Barber, on leave, introduced bill

No. 13, "A bill fixing the time of holding the annual sessions of the legislative assembly, and for other purposes;"

Which was read the first and second time.

On motion of Mr. Martin,

The council resolved itself into a committee of the whole for the consideration of bill No. 10;

Mr. Whiton in the chair;

After some time the committee rose, and by their chairman reported the same back to the council without amendment.

The report of the committee of the whole was concurred in by the council, and the bill was ordered to be engrossed for a third reading.

On motion of Mr. Whiton,

The council resolved itself into a committee of the whole; for the consideration of bill No. 4, "A bill to annex certain fractions or lots of land to the town of Rock, in the county of Rock;"

Mr. Hugunin in the chair.

After some time, the committee rose and reported the same back to the council without amendment;

The report of the committee of the whole was concurred in, and the bill ordered to be engrossed for a third reading.

On motion of Mr. Rountree,

The council resolved itself into a committee of the whole for the consideration of bill

No. 2; "A bill to provide for the appointment of a superintendent of territorial property, and for other purposes;"

Mr. Baker in the chair.

And pending the consideration thereof, the chief clerk of the house of representatives was announced, when the president resumed the chair, and the following message was received, viz:

"Mr. President: The house of representatives have passed a resolution relative to referring certain papers to a joint committee, and have appointed on their part, under the same, Messrs. Agry and Meeker, in which the concurrence of this house is asked."

The committee of the whole then resumed their session; and after some time rose and reported said bill back to the council with amendments;

In which report the council concurred; and the bill was ordered to be engrossed for a third reading.

Mr. Barber moved that the message of the governor, transmitted to the council March 11, 1843, be taken up;

And, on motion, the same was referred to the committee on territorial affairs.

On motion of Mr. Hugunin,

The council resolved itself into a committee of the whole for the consideration of No. 3, "A bill relative to taxes for school purposes;"

Mr. Crocker in the chair.

After some time the committee rose, and reported the same back to the council with amendments, in which they asked the concurrence of the council;

And in which the council concurred.

On motion of Mr. Martin,

Said bill was then committed to the select committee on township government.

On motion of Mr. Hugunin,

The council adjourned.

TUESDAY, March 14, 1843.

The council met pursuant to adjournment.

The journal of the previous day having been read,

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for the concurrence of this house, the following bill, viz: No. 1, 'A bill to change the time of holding courts in certain counties of the second judicial district,' which has been passed by the house of representatives."

Mr. Whiton presented,

A petition from Jesse Miles and others, praying for the privilege of building a dam across Rock river; also,

A petition from Harrison Stebbins and others, for the same purpose;

Which were referred to the select committee composed of Messrs. Whiton, Baker and Barber.

Mr. Whiton also presented,

The petition of Lyman Morse and others, praying for the setting off of a town to be called "Franklin;"

Which was referred to the committee on incorporations.

Mr. Baker gave notice, that he should at some future day, introduce "a bill for the preservation of deer."

Mr. Martin, chairman of the committee on the judiciary, reported from said committee,

No. 44, "a bill to amend the set of the Revised Statutes, entitled 'an act relating to the judicial districts;'"

Which was read the first and second time.

Also, No. 15, "a bill to regulate the fees of clerks in cases of naturalization;"

Which was read the first and second time.

Also, "joint resolution to authorize the cancelling of certain canal bonds;"

Which was read the first and second time.

Mr. Martin, from the same committee, also submitted the report of said committee, adverse to the petitions of Adhelaid Deisner, and of Thomas Fowlston, praying for divorces.

On motion of Mr. Newland,

Bill No. 6, "a bill to authorize the register of deeds of Washington county to procure copies of certain records from the office of register of deeds of Milwaukee county," was taken up, and

On motion, said bill was ordered to be engrossed for a third reading.

On motion of Mr. Martin,

Bill No. 9, "a bill to legalize the proceedings of the inhabitants of Winnebago county," &c.

Was read the third time and passed;

And the title thereof was then agreed to.

On motion of Mr. Newland,

The council resolved itself into a committee of the whole, Mr. Barber in the chair, for the consideration of

Bill No. 11, "a bill to repeal so much of an act supplementary to the several acts relating to the Milwaukee and Rock river canal, approved Feb. 12, 1841, and such other acts or parts of acts as authorize the sale of canal lands, and issuing bonds to aid in the construction of said canal."

After some time the committee rose, and reported the same back to the council, and

On motion of Mr. Newland,

Said bill was referred to a select committee;

And Messrs. Newland, Crocker, and Barber, were appointed said committee.

On motion of Mr. Rountree,

The message from the house of representatives of the 13th inst. was taken up, and, on motion, was again laid on the table.

On motion of Mr. Rountree,

Bill No. 1, of the house of representatives, being "a bill to change the time of holding courts in the several judicial districts," was taken up and read the first and second time.

On motion of Mr. Baker,

The council resolved itself into a committee of the whole for the consideration of said bill;

Mr. Barber in the chair:

After some time the committee rose, and reported the same back to the council with amendments;

Which amendments were concurred in by the council.

The question then was, "shall the bill be read the third time?"

Which was agreed to,

And the bill was ordered to be read a third time.

On motion of Mr. Newland,

The council resolved itself into a committee of the whole for the consideration of bill

No. 7, "a bill authorizing Henry Thien to build a dam on the Milwaukee river;"

Mr. Rountree in the chair.

After some time the committee rose, and reported said bill back to the council without amendment.

The question then was "shall the bill be engrossed for a third reading?"

Which was decided in the affirmative,

And the bill was ordered to be engrossed.

Mr. La Chapelle, from the committee on engrossed bills, reported No. 2, "a bill to provide for the appointment of a superintendent of territorial property," and No. 4, "a bill to annex certain

fractions or lots of land to the town of Rock, in the county of Rock," as correctly engrossed.

On motion of Mr. Baker,
Bill No. 2, was taken up, and
Mr. Baker moved, that the blank in said bill be filled by the insertion of the word "twentieth;"

And the motion was agreed to.

Said bill was then read the third time and passed,

And the title thereof agreed to,

On motion of Mr. Whiton,
Bill No. 4, was then taken up, read the third time, and passed;
And the title to the same was then agreed to.

On motion of Mr. Crocker,

So much of the rules of the council as would prevent the consideration of "joint resolution to authorize the cancelling of certain canal bonds" in committee of the whole at this time, was suspended, so far as said resolution was concerned;

And, on motion, the council resolved itself into a committee of the whole for the consideration of said joint resolution;

Mr. Martin in the chair.

After some time, the committee rose and reported back said resolution, with an amendment;

In which amendment the council concurred;

And the resolution was then ordered to be engrossed for a third reading.

On motion of Mr. Baker,

The council resolved itself into a committee of the whole for the consideration of bill

No 15, "a bill to regulate the fees of clerks in cases of naturalization;"

Mr. La Chapelle in the chair.

After some time the committee rose, and reported the same back to the council without amendment,

The question was then put, "shall the bill be engrossed for a third reading?"

And it was decided in the affirmative.

On motion of Mr. Martin,

Bill No. 8, "a bill to authorize Henry Sanders Brown to change his name," was taken up, and, on motion,

Ordered to be engrossed for a third reading.

On motion of Mr. Crocker,

All rules of the council preventing bills being read the second and third times on the same day, were suspended so far as house bill No. 1, was concerned.

House bill No. 1, "a bill to change the time of holding courts in the second judicial district," was then taken up, and,

On motion, said bill was read the third time and passed.

The question then being on agreeing to the title to the same,

Mr. Crocker moved an amendment thereto, by adding the words "and for other purposes,"

Which was agreed to,

Mr. Martin moved further to amend the title, by striking out the word "second" and inserting in lieu the word "several;" by adding the letter "s" at the end of the word "district;" and by striking out the words "and for other purposes;"

Which was agreed to.

Mr. Whiton offered the following resolution, viz:

"*Resolved*, That the secretary of the council be required to employ as many persons, as shall be necessary to engross and enrol the bills of the council,"

Which was adopted.

On motion of Mr. Martin,

The council adjourned.

[WEDNESDAY, March 15, 1843.]

The council met pursuant to adjournment,

And the journal of the previous day having been read,

The President laid before the council the following communication from the President of the Milwaukee and Rock river canal company; which was read and laid on the table:

"To the honorable Legislature of Wisconsin:

The Milwaukee and Rock river canal company would respect-

fully set forth, that resolutions have been, on several occasions, passed by your honorable body, calling on this company to know on what terms we would convey to the Territory our right and interest in the canal, so far as it had progressed, as well as our right to proceed in its further construction; to which this company have in each case respectfully replied; stating the terms on which they would dispose of their interest, viz:—for what it had cost them, and interest on their expenditures, together with certain other conditions relative to the construction of the work by the Territory, which they deem necessary for the good of the country and the protection of the rights of those who had settled along the line of canal with a view to its construction and completion. But believing that many, perhaps a majority, of those people desire the whole subject to pass into the hands of the legislature without those restrictions, in order that the canal lands may be retroceded to the general government, or by some other process be reduced to the minimum price of government lands; therefore, in consideration of the premises, and to avoid any imputation from any source, that this company are not willing at once, and promptly to settle and adjust this whole subject; we do hereby offer and tender to the legislature, a full and final adjustment of the subject on the following terms, viz:

“That the legislature pay, or secure to be paid, to the satisfaction of this company, the full amount which this company has expended in construction, and incidental expence on the subject of the canal and canal lands, together with interest, at the rate of seven per cent. per annum, agreeably to the charter, from the date of each expenditure.

“If this proposition, stripped as it is of all collateral questions and conditions, should meet the approbation and receive the corresponding action of your honorable body, this company will thereupon transfer all their right, title, and interest, directly and indirectly, in and to the canal and the canal lands, the hydraulic power and water leases, to the Territory, without reserve.

“We trust this proposition will be satisfactory to all parties, and if so, the terms and manner of payment can be adjusted by and between this company and any committee that may be appointed by the legislature, if clothed with plenary powers, so as to require no after legislation.

"Respectfully submitted—by order of the board,

DANIEL H. RICHARDS, *President.*

J. A. LAPHAM, *Secretary.*

Milwaukee, March 6, 1843.

APPENDIX.

"There has been expended and work performed, by and under the the direction of the company up to this date \$51,043 77

Amount paid by canal commissioners on behalf of this Territory, - - - - - 6,617 90

Leaving a balance of - - - - - \$44,425 87

Of which there is to become payable, from some source, on bonds repudiated by the Ter'y, \$10,000

On contract with John Anderson, Esq. 10,000
 ----- 20,000 00

Leaving a balance actually paid by the company of \$24,425 87

Which amount would be the sum to be paid to the company, with interest, in the event of a final settlement.

If the legislature choose to recognize its liability on the bonds, they have yet over eight years to run, and provision can easily be made for them out of canal lands without injury to settlers. The contract with Mr. Anderson has four years to run from date of estimates, and arrangements can no doubt be made with him for its payment without inconvenience. Or, in case of a final settlement as above proposed, the company will pay these items of \$20,000 if desired so to do, they being included in the general account."

Mr. Whiton presented a petition from L. M. Warren and others, praying an annexation of lands to the town of Union, in the county of Rock, and also, a remonstrance from L. M. Warren and others, against the division of said town, and moved their reference to the committee on incorporations.

The motion was agreed to, and the reference was made accordingly.

Mr. White presented the memorial of William A. Barstow, praying for the incorporation of the Prairieville Manufacturing Com-

pany, and moved its reference to the committee on incorporations.

The motion was agreed to, and the reference was made accordingly.

On motion of Mr. Newland,

The communication of the president of the Milwaukee and Rock river canal company was taken up, and referred to the committee on the judiciary.

Mr. Newland, by leave, offered the following resolutions, viz:

“Resolved, That the committee on internal improvements be instructed to inquire into the expediency of abolishing the office the “Board of Canal Commissioners,” and to provide for the election of a superintendent to take charge of the books, papers and other effects of the Territory, and that they report by bill or otherwise.

“Resolved, That said committee be instructed to inquire into the most expedient mode of raising money for the redemption of such canal lands as have been sold for taxes and redeemed by the “Board of Canal Commissioners,” under a resolution of the Legislative Assembly of December last, and also any other indebtedness of the territory in relation to said canal, and that they report by bill or otherwise;”

Which resolutions, on motion of Mr. Newland, were adopted.

Mr. Martin moved, that the report made yesterday by the committee on the judiciary, relative the petition of Adhelaide Diesner, and of Thomas Fowlston, praying for a divorce, be now taken up,

Which was agreed to,

And the report was, on motion, adopted, and the committee discharged from further consideration of said petitions.

Mr. Rountree presented an account of Alonzo Platt, for printing for the council, in the years 1841—’2, and moved its reference to the committee on legislative expenditures.

The motion was agreed to, and the reference was made accordingly.

Mr. Crocker offered the following resolution, viz:

“Resolved, That the committee on legislative expenditures be instructed to report, whether any part of the sum of \$19,275, appropriated on the 24th day of December last, for the expenses of

the legislative assembly of this territory, can be applied towards the payment of any debts incurred at any previous session of the legislative assembly;"

Which was adopted.

Mr. Dewey, of the committee on engrossment, reported the following entitled bills and joint resolutions as correctly engrossed, viz:

No. 6, "a bill to authorize the register of deeds of Washington county to procure copies of certain records from the office of register of deeds of Milwaukee county;"

No. 7, "a bill to authorize Henry Thien to build a dam on the Milwaukee river;"

No. 8, "a bill to authorize Henry Sanders Brown to change his name;"

No. 15, "a bill to regulate the fees of clerks in cases of naturalization;"

No. 1, "Joint resolution to authorize the cancelling of certain canal bonds."

Bill No. 8 was then read the third time and passed;

And the question being on agreeing to the title thereof,

On motion of Mr. Whiton,

The title was amended by striking out the word "authorize," and inserting, "change the name of," and by striking out the words "to change his name."

Bill Nos. 6, 7, and 15, and joint resolution No. 1, were then severally read the third time and passed, and the titles thereof agreed to.

On motion of Mr. Baker,

The committee on the judiciary, to whom were referred certain petitions relative to killing deer, were discharged from a further consideration of said petitions.

On motion of Mr. Crocker,

The council adjourned to 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Newland, from the select committee to whom was referred bill No. 11, reported in lieu thereof a "bill to repeal so much

of an act supplementary to the several acts relating to the Milwaukee and Rock river canal, approved February 12th, 1841, and such other act or parts of acts as authorize the sale of any portion of the lands granted by the act of congress of the 18th June, 1838, and to amend the second section of an act approved February 19, 1841, supplementary to the several acts in relation to the Milwaukee and Rock river canal;"

Which was read the first and second time.

On motion of Mr. Whiton,

The message and resolution received on the 13th inst. from the house of representatives, relative to referring certain papers to a joint committee, was taken up;

The question was, "will the council appoint a committee of two to act with a committee of the house of representatives, appointed under said resolution?" which was decided in the affirmative;

And Messrs. Barber and Newland were appointed to said committee on the part of the council.

On motion of Newland,

So much of the 30th rule of the council as would prevent the consideration in committee of the whole, at the present time, of bill No. 12, "a bill to amend 'an act to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession to said lands,' approved January 4, 1840," was suspended so far as said bill was concerned.

The council then, on motion of Mr. Newland, resolved itself into a committee of the whole for the consideration of said bill;

Mr. Martin in the chair.

After some time, the committee rose and reported said bill back to the council with amendments, in which the concurrence of the council was asked—

Which several amendments were concurred in.

Mr. Crocker moved to amend the bill, by adding thereto the following:

"That section thirteen, of an act entitled 'an act supplementary to the several acts relating to the Milwaukee and Rock river canal, approved 12th February, 1841, be, and the same is hereby repealed."

On motion of Mr. White,
The bill was then laid on the table.
On motion of Mr. Whiton,
The council adjourned.

THURSDAY, March 16, 1843.

The council met pursuant to adjournment.
The journal of the previous day having been read,
Mr. Whiton, from the committee on incorporations, reported
the following entitled bill.

No 17, "a bill to incorporate the Prairieville manufacturing
company,"

Which was read the first and second time, and ordered to be
printed.

Mr. Barber, of the joint committee to whom were referred cer-
tain papers relative to the capitol, asked to be excused from ser-
ving on said committee;

And the question being on excusing Mr. Barber from serving
on said committee, it was put, and decided that he be excused;

And the President appointed Mr. La Chapelle to be of said
committee, in place of Mr. Barber.

The President announced the appointment of Messrs. Crocker,
Heath, and La Chapelle, to be of the select committee to whom
was referred so much of the governor's message as relates to prin-
ting for the legislature and the appointment of a territorial printer.

Mr. Baker asked leave to withdraw from the council file the
petition and papers of Thomas Fowlston, relative to his divorce;
Leave was granted, and the petition and papers withdrawn.

On motion of Mr. Whiton,

Bill No. 13, "a bill fixing the time of holding the annual ses-
sions of the legislative assembly, and for other purposes," was ta-
ken up, and on motion,

The council resolved itself into a committee of the whole for the consideration of said bill;

Mr. Dewey in the chair.

Pending the consideration thereof, the following message from the house of representatives was delivered by the clerk of the house, viz:—

“Mr. President: I am directed to present, for the concurrence of this house, a bill of the following title, to wit:

No. 6, “A bill to divide the town of Warren in the county of Milwaukee, and to establish the town of Nemahbin;” and to inform you that the house had concurred in bill No. 4, of this house, entitled “A bill to annex certain fractions or lots of land to the town of Rock, in the county of Rock.”

The committee of the whole then resumed its session, and after some time rose and reported back to the council said bill No. 13, with an amendment, in which they asked the concurrence of the council;

And the question being put, the amendment was concurred in, and,

On motion,

The bill was ordered to be engrossed for a third reading.

On motion of Mr. Whiton,

Bill No. 6, of the house of representatives, was taken up, read the first and second time, and referred to the committee on incorporations.

Mr. Whiton, from the committee on enrollment, reported bill No. 4, “a bill to annex certain fractions of land to the town of Rock, in the county of Rock,” as correctly enrolled.

On motion of Mr. Newland,

Bill No. 12 was taken up for consideration,

The question being on the adoption of the amendment offered yesterday by Mr. Crocker,

Which amendment was adopted.

The question then was “shall the bill be engrossed for a third reading?”

Which was decided in the affirmative,

And the bill ordered to be engrossed.

On motion of Mr. Newland,

The vote, ordering bill No. 12 to be engrossed for a third reading, was reconsidered.

On motion of Mr. Crocker,

The vote, by which the amendment offered by him was adopted, was also reconsidered.

On motion of Mr. Barber,

The bill was laid on the table until this afternoon.

On motion of Mr. Newland,

The council adjourned to 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for your signature, "An act to annex certain fractions or lots of land to the town of Rock, in the county of Rock," which has been signed by the speaker of the house of representatives:

"And to inform you that the house of representatives have concurred in the following bills and resolution of this house, with amendments, in which amendments I am directed to ask the concurrence of this house, to wit:

No. 1, "Joint resolution to authorize the cancelling of certain canal bonds;"

No. 2, "A bill to provide for the appointment of a superintendent of territorial property, and for other purposes;" and

No. 7, "A bill to authorize Henry Thien to build a dam on the Milwaukee river."

The President signed the "Act to annex certain fractions or lots of land to the town of Rock, in the county of Rock."

Mr. Newland, on leave, offered the following preamble and resolution, viz:

"WHEREAS, a difficulty occurred this day during the recess of the council, between the sergeant-at-arms of the council and a certain A. Botkin, the latter seizing a chair within the bar of the council, and forcibly taking the same from the sergeant-at-arms, and carrying it away, (which chair the sergeant-at-arms claimed to be one of the chairs for the accommodation of the members of

the council,) and which high handed act, if wrongfully committed by either of the parties aforesaid, not only deserves the censure of the council, but such other punishment as the nature of the case requires; therefore,

Resolved, That the committee of the two houses, appointed to inquire into the condition of the public property, be instructed to investigate the nature of said difficulty, together with the right of property in question, and that they report by bill or otherwise;"

Which preamble and resolution were adopted.

On motion of Mr. Rountree,

The bills and joint resolution accompanying the message from the house of representatives, just received, were taken up for consideration;

And the question being on concurring in the amendments of the house of representatives, to No. 1, "Joint resolution to authorize the cancelling of certain canal bonds," and to No. 2, "A bill to provide for the appointment of a superintendent of territorial property, and for other purposes,"

The amendments were concurred in by the council.

And the question being on concurring in the amendment of the house of representatives to No. 7, "A bill to authorize Henry Thien to build a dam on the Milwaukee river,"

The amendment was not concurred in.

Mr. Dewey, from the committee on engrossment, reported No. 13, "A bill fixing the time of holding the annual session of the legislative assembly, and for other purposes," as correctly engrossed.

On motion of Mr. Whiton,

So much of the rules of the council as would prevent the passage of bill No. 13, at this time, was suspended so far as said bill was concerned.

Bill No. 13 was then taken up for consideration, and,

On motion,

Said bill was recommitted to the committee on engrossed bills.

Mr. Dewey, from the committee on engrossed bills, reported bill No. 13 as correctly engrossed.

On motion of Mr. Whiton,

So much of the rules of the council as would prevent the pas-

sage bill No 13, at this time, was suspended so far as said bill was concerned.

The bill was then read the third time and passed,
And the title to the same agreed to.

On motion of Mr. Newland,

So much of the rules of the council as would prevent the passage of bill No. 16, "A bill to repeal certain acts and parts of acts relating to the Milwaukee and Rock river canal," at this time, was suspended so far as said bill was concerned,

And the council resolved itself into a committee of the whole for the consideration of said bill;

Mr. Whiton in the chair.

After some time, the committee rose and reported the same back to the council without amendment.

The question then was, "shall the bill be engrossed for a third reading?"

Which was decided in the affirmative,

And the bill ordered to be engrossed.

W^r. Whiton, from the committee on incorporations, to whom had been referred bill No. 6, house file, reported the same with sundry amendments, and,

On motion of Mr. Baker,

The council resolved itself into a committee of the whole for the consideration of said bill;

Mr. Dewey in the chair.

After some time, the committee rose and reported the same back to the council with further amendments, in which they asked the concurrence of the council,

And in which the council concurred.

On motion of Mr. Whiton,

The amendments were ordered to be engrossed, and the bill was laid on the table.

On motion of Mr. Baker,

The council adjourned.

FRIDAY, March 17, 1843.

The council met pursuant to adjournment,

And the journal of the previous day having been read,

Mr. Whiton presented a petition from John Howe, jr., and others, praying to be allowed to construct a dam across Rock river, at Janesville, and moved its reference to the select committee to whom petitions on the same subject had been referred;

The motion was agreed to, and reference was made accordingly.

Mr. Whiton offered the following resolution, viz:

“Resolved, That the president of the council be requested to invite some clergyman, residing in Madison, to open the morning sessions of the council with prayer; provided, that in no case shall any money be drawn from the territorial treasury to pay for said services.”

Mr. Baker, from the committee on legislative expenditures, submitted the following report, viz:

“The committee on legislative expenditures, who, by a resolution of the council, were instructed to report whether any part of the sum of \$19,275, appropriated by congress on the 24th day of December last, for the expenses of the legislative assembly of this territory, can be applied towards the payment of any debts incurred at any previous session of said assembly, would respectfully report:

That in the opinion of the committee, all expenses actually incurred and audited, or passed upon by the legislative assembly of the territory, prior to the first of January, 1843, cannot be paid out of said appropriation; but that the account of Charles C. Sholes, for printing the laws of the session of 1841—2, and the account of Alonzo Platt, for printing the journal of the council for the same session, which were also referred to the committee, by a liberal and reasonable construction of said act of appropriation, can be paid out of said appropriation of \$19,275; and the committee are the more inclined to give this construction to said act, inasmuch as they believe it will be the most suitable and conven-

ient course to be pursued, in the settlement and payment of all future accounts of the same nature.

C. M. BAKER, Chairman.

March 17, 1843."

Mr. Crocker, from the select committee to whom was referred so much of the governor's message as relates to the "public printing and the appointment of a territorial printer," reported

Bill No. 18, "A bill to provide for the election of a territorial printer;"

Which was read the first and second time.

Mr. Dewey, from the committee on engrossment, reported the following amendments and bill as correctly engrossed, viz:

Amendments to bill No. 6, (H. of R.) and bill No. 16, of the council.

Bill No. 6, (H. of R.) "A bill to divide the town of Warren, in the county of Milwaukee, and to establish the town of Nemahbin."

Bill No. 6, was then read the third time;

And the question being on the passage thereof,

Mr. Whiton obtained the unanimous consent of the council to propose the following amendment to said bill:

"Section 12. That all that part of Beloit, in the county of Rock, comprised in sections ten, fifteen, twenty-two, twenty-seven and thirty-four, in town one north, of range thirteen east, be annexed to and form a part of the town of Clinton;"

Which amendment was adopted.

Mr. Baker obtained the unanimous consent of the council to propose the following amendment, to wit:

"Section 13. That all that part of the town of Walworth, in the county of Walworth, comprised in township one, range fifteen east, is hereby set off and organized into a separate town, by the name of Sharon; and the first election in said town shall be held at the house of Josiah Topping;"

Which amendment was adopted.

Mr. Newland obtained the unanimous consent of the council to amend said bill, by striking out of section ten the word "and."

Mr. Martin obtained the unanimous consent of the council to propose the following amendment to said bill, to wit:

"Section 14. The town of Calumet shall comprise all the district of country included in the county of Calumet;"

Which amendment was adopted.

Mr. Crocker, on leave granted, presented

A petition from Russel Frisbie and others of the town of Summit, in Milwaukee county, relative to executive appointments;

Which, on motion, was laid on the table.

Bill No. 6 (H. of R.) was then read the third time and passed;

And the question being on agreeing to the title thereof,

Mr. Whiton moved to amend the title by striking out all after the words "a bill to," and insert in lieu thereof, "organize certain towns therein named;" which amendment was agreed to;

And the title as amended was agreed to.

Bill No. 6, "A bill to repeal certain acts and parts of acts relative to the Milwaukee and Rock river canal," was, on motion, taken up, read the third time, and passed;

And the question being on agreeing to the title thereof,

Mr. Newland moved to amend the title by striking out all after the words "a bill to," and insert in lieu thereof the following—
"repeal so much of the several acts of the legislative assembly of this territory, as authorizes the sale of any portion of the lands granted to the territory by the act of congress of June 18th, 1838, to aid in the construction of the Milwaukee and Rock river canal, and to amend an act approved February 19th, 1841, supplemental to the several acts in relation to said canal;"

Which amendment was agreed to;

And the title, as amended, was then agreed to.

Mr. Baker, pursuant to previous notice given, introduced the following entitled bill,

No. 19, "A bill to prohibit public shows for gain, without a permit;"

Which was read the first and second time, and, on motion,

Referred to the committee on the judiciary;

Also, bill No. 20, "A bill for the preservation of deer in certain counties;"

Which was read the first and second time.

On motion of Mr. Whiton,

The resolution offered by him this morning, relative to employing a chaplain, was taken up for consideration;

And the question being on the adoption of said resolution, the ayes and noes were called, and resulted as follows:

Those who voted in the affirmative were,

Messrs. Baker, Barber, Crocker, Heath, Hugunin, Newland, Rountree, White, Whiton, and Strong, (President.)—10.

Those who voted in the negative were,

Messrs. Dewey and La Chapelle—2.

So the resolution was adopted.

Mr. Whiton, from the joint committee on enrolled bills, reported No. 1, "Joint resolution to authorize the cancelling of certain canal bonds," as correctly enrolled.

Mr. Whiton, from said committee, also submitted the following report, viz:

"The committee on enrollment report, that the said committee did, on this day, present to his excellency the governor, for his approval, a bill entitled "An act to annex certain fractions or lots of land to the town of Rock, in the county of Rock." That his excellency immediately took the bill from the table where it had been placed by the chairman of the committee, and placed it in the hat of the chairman, and said, "I must decide to receive it." The chairman then asked his excellency, if he could leave it—his excellency answered, "no, you cannot leave it"—the chairman then said, "the bill has been presented." His excellency then replied—"yes, the bill has been presented." The committee then retired with the bill in the hat of the chairman, where it had been placed by his excellency.

All of which is respectfully submitted.

EDWARD V. WHITON,
H. CROCKER,
ROBERT M. LONG,
JOHN M. CAPRON,
JOHN H. MANAHAN."

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for your signature, "Joint resolution to authorize the cancelling of certain canal

bonds," which has been signed by the speaker of the house of representatives."

The President then placed his signature to said resolution.

On motion of Mr. Martin,

The council took a recess till 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

Mr. Crocker presented the petition of I. S. Loomis and others, of the town of Genesee, praying for a division of said town;

Which was referred to the committee on incorporations:

Also, the proceedings of a meeting of the citizens of Brookfield, Milwaukee county, relative to the Milwaukee and Rock river canal;

Which was referred to the committee on internal improvements.

Mr. Whiton, from the select committee to whom was referred petitions praying for the building of a dam across Rock river, reported

Bill No. 21, "A bill to authorize the construction of a dam across Rock river;"

Which was read the first and second time.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I have been directed to request this house to transmit to the house of representatives, all petitions relative to bill No. 7, (C. file,) entitled "A bill to authorize Henry Thien to build a dam on the Milwaukee river;" and to present for the concurrence of this house, a resolution relative to the appointment of a joint committee to confer with the governor, and to inform you that Messrs. Capron, Hunkins, and Darling, have been appointed the committee, under the said resolution."

On motion of Mr. Newland,

The secretary was ordered to transmit to the house of representatives the petitions relative to bill No. 7.

On motion of Mr. Crocker,

The message from the house of representatives was taken up, and the following joint resolutions, referred to in said message, were under consideration, viz:

"Resolved, (the council concurring,) That a committee of three

from each house, be appointed, to confer with the executive relative to the disagreement between the executive and legislative assembly.

Resolved, That the committee to be appointed to wait on the executive, be instructed to make a written report, and that such report be submitted to the executive for its approval, before it is submitted to the two houses."

Mr. Newland moved to lay the same on the table;

Which motion was lost.

The question then being on the adoption of the resolutions, the ayes and noes were called for; when,

On motion of Mr. Whiton,

The council resolved itself into a committee of the whole for the consideration of said joint resolutions;

Mr. White in the chair.

After some time, the committee rose and reported said resolutions back to the council without amendment.

The question then being on the adoption of said joint resolutions, it was decided as follows:

Those who voted in the affirmative were,

Messrs. Baker, Barber, Heath, Hugunin, and Rountree—5.

Those who voted in the negative were,

Messrs. Crocker, Dewey, La Chapelle, Martin, Newland, White, Whiton, and Strong, (President.)—8.

So the resolutions were rejected.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in the amendments of the council to bill No. 6 (H. of R.) entitled "A bill to divide the town of Warren, in the county of Milwaukee, and to establish the town of Nemabbin," with amendments, in which I am directed to ask the concurrence of this house."

On motion of Mr. Newland,

The message was taken up, and the amendments of the house of representatives to said bill No. 6, referred to in said message, being under consideration,

The council refused to concur with the house of representatives

in the first amendment; and concurred in the second amendment of the house of representatives to said bill;

The council also refused to concur with the house of representatives in the third amendment; and concurred with the house of representatives in the fourth amendment to said bill.

A message, in writing, from the governor, was delivered by his private secretary, Mr. Charles Doty;

Which was read and referred to the committee on territorial affairs.

Mr. Whiton, from the committee on enrolled bills, reported bill No. 2, as correctly enrolled.

On motion of Mr. Newland,
The council adjourned.

SATURDAY, March 18, 1843.

The council met pursuant to adjournment,
And the journal of the previous day having been read,
Mr. Whiton presented a petition from Squire Lamb and others, praying for the establishment of a territorial road from Beloit to Madison, and moved its reference to the committee on territorial roads;

The motion was agreed to, and reference was made accordingly.

Mr. Martin offered the following preamble and resolutions, viz:
WHEREAS, the governor of the territory has informed the two houses of the legislative assembly, that he declines any further communication with them until advised that the members are holding the special session appointed by the proclamation of the 1st of January last;

And whereas, the public good imperiously demands the enactment of various laws at the present time, and more especially such laws as may have a tendency to relieve the people of the

territory from the evils which now exist in consequence of the accumulation of all power in the hands of the present executive;

The legislative assembly, therefore, for the sole purpose of satisfying the scruples of the governor, and thereby enabling the two houses to proceed in the business of their session; yet protesting against the right of the executive to demand the information sought, and declaring that the resolutions hereto annexed, shall not be taken or considered as expressing the opinions of the members of the assembly in regard to the question, "whether the present is an adjourned or a special session?" resolves as follows:

Resolved, (the house of representatives concurring,)

1st. That the legislative assembly is now holding the "special session appointed by the proclamation of the governor, dated January 31st, 1843."

2d. That the present officers of the two houses shall continue in office until further order of their respective houses; and the presiding officer of each house is hereby authorized to make such alteration in the journal of the proceedings of the 6th of March inst., kept by them respectively, as shall make it correspond with the resolution first above written.

3d. That the committee on enrollment be directed to communicate to the governor the information expressed in these resolutions.

Mr. Newland offered the following preamble and resolution, viz:

WHEREAS, the council called upon the treasurer on the 8th instant for a report forthwith, showing the condition of the territorial treasury; and whereas, no such report has yet been made, and probably will not be; therefore,

Resolved, That the joint committee on territorial expenditures be instructed to inquire into the expediency of providing for the deposit of such territorial revenue as has been, or may be, hereafter collected, and in the hands of collectors, or in the several county treasuries, in the hands of some other responsible officer, other than that of the territorial treasurer, and that they report by bill or otherwise.

On motion of Mr. Martin,

The preamble and resolution offered by him this morning, were taken up for consideration; and,

On motion of Mr. Whiton,
They were again laid on the table.

On motion of Mr. Newland,

The preamble and resolution, offered by him this morning, relative to the report of the territorial treasurer, were taken up for consideration; and,

On motion, were adopted.

On motion of Mr. Whiton,

No. 17, "A bill to incorporate the Prairieville Manufacturing Company,"

Was taken up for consideration; and, on motion, so much of the 30th rule of the council as requires all bills to remain one day on the table after being printed, before being considered, was suspended so far as relates to said bill; when,

On motion of Mr. Whiton,

The council resolved itself into a committee of the whole, for the consideration of said bill,

Mr. Baker in the chair.

And pending the consideration thereof, the chief clerk of the house of representatives being announced, the president took the chair, when the following message was received, to wit:

"Mr. President: The house of representatives have insisted upon their amendment to bill No. 7, (of this house,) entitled 'A bill to authorize Henry Thien to build a dam on the Milwaukee river,' in which this house have refused to concur;

And have, also, insisted on their first and third amendments to the amendment of this house to bill No. 6, 'A bill to divide the town of Warren, in the county of Milwaukee, and to establish the town of Nemahbin,' and have appointed Messrs. Tripp and Darling a committee of conference on their part, to confer with a like committee to be appointed by this house, to which it is proposed to refer the said disagreement of the two houses—a conference is requested."

The committee of the whole again resumed their session; and after some time rose and reported, that they had made some progress in the consideration of said bill No. 17, and asked leave to sit again; and

Leave was granted.

On motion of Mr. Crocker,

Bill No. 7, (C.) and No. 6, (H. of R.) accompanying the message from the house of representatives, just received, were taken up for consideration; and,

The question being, "Will the council insist on their disagreement to the amendment of the house of representatives to bill No. 7, 'A bill to authorize Henry Thien to build a dam on the Milwaukee river?'"

It was decided that the council insist on their disagreement.

Mr. Crocker then moved that a committee of conference be appointed.

The motion was agreed to, and Messrs. Crocker and Newland were appointed a committee of conference, on the part of the council, to act with a similar committee to be appointed on the part of the house, to which it was proposed to refer the said disagreement of the two houses.

The question then being, "Will the council insist on their non-concurrence to the first and third amendments of the house of representatives to the amendments of the council to bill No. 6 entitled 'A bill to divide the town of Warren, in the county of Milwaukee, and to establish the town of Nemahbin?'" and,

The council insisted on their non-concurrence.

Mr. Martin then moved, that a committee of conference be appointed.

The motion was agreed to, and Messrs. Martin and Baker, were appointed a committee of conference on the part of the council to act with a similar committee to be appointed on the part of the house, to whom it was proposed to refer the said disagreement of the two houses.

On motion of Mr. Whiton,

The council adjourned to 3 o'clock, P. M.

THREE O'CLOCK, P. M.

On motion of Mr. Newland,

The members of the committee, to whom were referred certain papers relative to the capitol, were excused from attendance at the council this afternoon.

Mr. Martin, from the joint committee of conference, to whom

was referred the disagreement of the two houses on the amendments to bill No. 6, presented the following report of said committee:

"The committee of conference to whom was referred the disagreeing vote of the two houses on 'A bill to divide the town of Warren, in the county of Milwaukee, and to establish the town of Nemahbin,' report:

The committee recommend that in lieu of the first amendment, the two houses adopt the following, to wit:

Strike out the words 'West Troy,' in the third and fourth lines of the fourth section, and insert 'Meacham,' and strike out the word 'East,' in the third line of the fifth section, as inserted by the house of representatives.

The committee further recommend, that the council recede from their disagreement to the third amendment proposed by the house of representatives."

Which report was read, and concurred in by the council.

Mr. Whiton, from the committee on enrolled bills, submitted the following report from said committee, viz:

"The committee on enrollment report, that they did, on yesterday, present to his excellency, the governor, for his approval, resolutions entitled 'Joint resolutions to authorize the cancelling of certain canal bonds,' that they were requested by his excellency to report, that he did not receive the said resolutions; and that the said resolutions were left by the committee on his excellency's table.

By order of the committee,

EDWARD V. WHITON,

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

Which said report was concurred in by the council.

Mr. Whiton, from the select committee to whom was referred the petition of John Hackett and others, for authority to build a dam on Rock river, by leave granted, reported

Bill No. 22, "A bill to authorize Ira Hersey and A. L. Field to build a dam across Rock river;"

Which was read the first and second time.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for your signature the following bill, which has been signed by the speaker of the house of representatives, to wit: 'An act to provide for the appointment of a superintendent of territorial property, and for other purposes.'

I am directed to inform this house, that Messrs. Hamilton and Walker have been appointed of the committee on the part of the house of representatives, to confer with the committee appointed by the council, to which the disagreement of the two houses is referred, relative to bill No. 7, (C.) entitled 'A bill to authorize Henry Thien to build a dam on the Milwaukee river.'

I am further directed to present, for the concurrence of this house, a resolution to authorize a committee therein named to administer oaths."

The president then signed the bill referred to in the message from the house of representatives, viz:

Bill No. 2, "An act to provide for the appointment of a superintendent of territorial property, and for other purposes."

On motion of Mr. Crocker,

The resolution from the house of representatives, "authorizing a committee therein named to administer oaths,"

Was taken up and adopted by the council.

On motion of Mr. Baker,

The council resolved itself into a committee of the whole for the consideration of

Bill No. 17, "A bill to incorporate the Prairieville Manufacturing Company,"

Mr. Baker in the chair.

After some time the committee rose, reported progress, and asked leave to sit again; and

Leave was granted.

On motion of Mr. Whiton,

The council took a recess till 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

Mr. Whiton, on leave granted, presented the following preamble and resolutions relative to an asylum for the deaf and dumb, and blind and insane, viz:

WHEREAS, those unfortunate persons who are afflicted by the loss of a portion of their faculties or senses, cannot participate in the benefits arising from the common school system, and from the lands granted for the support of such schools; and whereas, such persons are (if any difference) most entitled to those benefits; therefore,

Resolved, by the council and house of representatives of the territory of Wisconsin, that the congress of the United States be urgently requested to make an appropriation of land, equal to two entire townships, the proceeds of which to be expended under the direction of the legislature for the purpose of establishing within this territory, an institution for the instruction of the blind; also, an equal quantity of land for the purpose of establishing an institution for the instruction of the deaf and dumb; and, also, an equal quantity of land for the purpose of establishing an asylum for the insane.

Resolved, That the delegate in congress from Wisconsin territory, be requested to urge the passage of a law making such an appropriation.

Resolved, That one copy of the foregoing resolutions be forwarded to each member of congress.

Said preambles and resolutions were read the first and second time; and,

On motion of Mr. Whiton,

So much of the rules of the council as would require the printing of said joint resolutions and preamble, before being considered in committee of the whole, were suspended in reference to said preamble and resolutions;

And the council resolved itself into a committee of the whole for the consideration of said preamble and resolutions,

Mr. Rountree in the chair.

After some time, the committee rose and reported the same

back to the council with an amendment to the last resolution, in which amendment the council concurred, and the preamble and resolutions were then ordered to be engrossed for a third reading.

On motion of Mr. Martin,

The preamble and resolutions offered by him this day, "relative to the present session of the assembly," were taken up for consideration.

On motion of Mr. Baker,

The same were amended by striking out the word "all," occurring in the preamble, immediately before the word "power;" and in the twelfth line of the preamble, by striking out the words, "the two houses to proceed," and by inserting in lieu thereof the words, "all the branches of the legislature to proceed harmoniously."

The question then was on the adoption of the preamble and resolutions, as amended;

Which was decided in the affirmative.

And the preamble and resolutions were adopted by the council.

On motion of Mr. Whiten,

The council took a recess for half an hour.

NINE O'CLOCK, P. M.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in the resolutions of this house, entitled, 'Resolutions relative to the present session of the assembly;' and have adopted the joint report of the committee of conference, relative to the disagreement of the two houses on bill No. 6, entitled 'A bill to divide the town of Warren in the county of Milwaukee, and to establish the town of Neimabhin.'"

Thereupon the president addressed the council as follows:

"GENTLEMEN OF THE COUNCIL: I am about to sever the official relation which exists between yourselves and myself, as president of the council, and I ask your attention for a few moments, that I may state the reasons that have induced me to take this step.

Both branches of the legislative assembly have now passed the following resolutions, viz:

“Resolved, (the house of representatives concurring,)

1st. That the legislative assembly is now holding the “special session appointed by the proclamation of the governor, dated January 31st, 1843.”

2d. That the present officers of the two houses shall continue in office until further order of their respective houses; and the presiding officer of each house is hereby authorized to make such alteration in the journal of the proceedings of the 6th of March inst., kept by them respectively, as shall make it correspond with the resolution first above written.”

The second resolution, *authorizing* the presiding officer of each house to alter the journal, it is true, is not mandatory in its terms, and might, perhaps, be construed by some, as simply conferring an authority upon the president, which he was at liberty to exercise or not, as in his discretion his sense of propriety might dictate; but, in the construction which I put upon the resolutions, I can find no room for the exercise of such a discretion, without doing violence to the manifest wish of the legislative assembly, and I cannot believe that both branches, with all the solemnity which the passage of a joint resolution implies, would have conferred this authority upon their presiding officer, unless they had designed it should be exercised. I therefore feel bound to presume that it is the wish of the legislative assembly, including the council, that I should alter the journal of the council, so that they will conform to the spirit of the first resolution.

What alterations, then, in the journal of the council, of the 6th of March, are necessary, to make it correspond to the spirit of that resolution? The journal of that day, as it was altered by the council on the 9th instant, now contains a true statement of the proceedings of the council as they occurred, viz: that “the president called the council to order at ten o’clock, and the journal of the previous day was read.” If the proposed alteration was made, it would state, “that in pursuance of the proclamation of the governor of the 31st of January, the council met at twelve o’clock,” which is not true; and if it should further state, what the fact is, that the president called the council to order,” it would show that I had done what I had no authority to do; so that in the view I take of the matter, I cannot make the alterations which the reso-

lations require me to, without becoming the instrument of the council in placing upon the journal what I deem to be a falsehood, and of making myself appear in the character of an usurper of authority that I did not possess. Neither of these things can I consent to do. It appears to me, therefore, that the only course left for me to pursue, is to resign to your hands the office you have conferred upon me. For the honor of my election, as well also as your kind aid and indulgent forbearance in the imperfect discharge of its difficult and responsible duties, I can never be sufficiently grateful.

I, therefore, gentlemen, hereby resign my place as president of the council, with this remark, that I will retain the chair until you shall elect some person to fill it, either permanently or *pro tempore*, which I hope you will do immediately."

On motion of Mr. Newland,

A call of the council was made.

Messrs. Baker, Barber and Dewey were reported absent.

The sergeant-at-arms was despatched for the absentees.

On motion of Mr. Newland,

Further proceedings under the call of the council were suspended.

Mr. Newland moved, that Mr. Rountree be appointed president *pro tempore*.

Mr. Rountree declined serving as such.

Mr. La Chapelle moved, that the council do now adjourn, *sine die*;

Which motion was lost.

On motion of Mr. Newland,

The execution of the order of the legislative assembly, requiring the presiding officer of the council to amend the journal, was suspended until Monday next, and the present incumbent of the chair was requested to occupy the same until that time.

On motion of Mr. Newland,

The council adjourned.

MONDAY, March 20, 1843.

The council met pursuant to adjournment,

Prayer by the Rev. Mr. Clark.

And the journal of the previous day having been read,

On motion of Mr. Whiton,

The council proceeded to the election of president.

Messrs. Whiton and Newland were appointed tellers;

And the ballots having been taken and counted, the tellers appointed for that purpose reported,

That twelve votes had been given for the office of president, and that of the votes so given,

Morgan L. Martin received seven votes;

John H. Rountree received three votes;

Nelson Dewey received one vote; and

Edward V. Whiton received one vote.

Morgan L. Martin having received a majority of all the votes given, was thereupon declared to be duly elected president of the council.

The chair appointed, on motion, a committee of two, consisting of Messrs. Whiton and Newland, to conduct the president elect to the chair.

The president having been conducted to the chair by said committee,

Mr. Whiton submitted the following resolution, viz:

Resolved, That the thanks of the council be, and they are hereby tendered to the Hon. Moses M. Strong, for the able and impartial manner in which he has discharged the duties of president of the council, which office he has now resigned;

And said resolution was unanimously adopted.

The following message, in writing, from the governor, was delivered by his private secretary, Mr. Charles Doty, viz:

To the Legislative Council:

I have the honor to acknowledge the receipt this morning of a joint resolution of the assembly, passed on the 18th instant, relative to the present session of the assembly, and to express my en-

tire willingness to co-operate with the council and house of representatives in the despatch of public business.

J. D. DOTY.

Executive Department,
Madison, March 20, 1843."}

Which was read.

Mr. La Chapelle presented the petition of Philip Schaumburg, praying for a change of name;

Which was read and referred to the committee on the judiciary.

Mr. Strong submitted the following resolution, viz:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for the election of the several territorial and county officers, the election of which is authorized by any law of congress;

Which was adopted.

On motion of Mr. Crocker,

Bill No. 18, "A bill to provide for the election of a territorial printer;"

Was taken up for consideration; and,

On motion of Mr. Crocker,

So much of the rules of the council as require all bills to remain on the table one day after being printed, before being considered were suspended, so far as said bill was concerned;

And the council resolved itself into a committee of the whole for the consideration of said bill;

Mr. Crocker in the chair.

Pending the consideration of the same, the chief clerk of the house of representatives was announced, when the president resumed the chair, and the following message was delivered, viz:

"Mr. President: I am directed to present for your signature a bill of the following title, which has been signed by the speaker of the house of representatives, to wit: 'An act to organize certain towns therein named;' and for the concurrence of this house No. 7, 'A bill to provide for the punishment of embezzling public money;' which has been passed by the house of representatives."

The president affixed his signature to said bill referred to in the message from the house of representatives, and the committee resumed its session.

The chief clerk of the house of representatives was again announced, when the president resumed the chair, and the following message was delivered, viz:—

“Mr. President: I am directed to present for the reconsideration and approval of this house, a bill entitled ‘An act to amend an act authorizing Webster Stanley to maintain a ferry across Fox river, approved February 18, 1842,’ which has been returned by the governor without his signature, and which has this day been reconsidered and passed by the house of representatives.”

The committee resumed its session, and after some time, the committee rose and reported that they had made some progress in the matter under consideration, and asked leave to sit again.

Leave was accordingly granted.

On motion of Mr. White,

The council resolved itself into a committee of the whole, for the consideration of bill No. 17, “A bill to incorporate the Prairieville Manufacturing Company;”

Mr. Baker in the chair.

After some time, the committee rose and reported the same back to the council with amendments, in which they asked the concurrence of the council;

Which amendments were concurred in by the council.

On motion of Mr. Whiton,

A call of the council was ordered.

Messrs. Newland and Barber were reported absent.

On motion of Mr. Whiton,

Mr. Barber was excused from attendance.

The sergeant-at-arms was despatched to procure the attendance of Mr. Newland.

The sergeant-at-arms reported Mr. Newland in his seat.

The question then being on ordering bill No. 17 to be engrossed for a third reading,

And the ayes and noes being called, the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. Baker, Crocker, Heath, Hugunin, La Chapelle, Newland, Rountree, White, Whiton, and Martin, (Pres’t) 10.

Those who voted in the negative, were

Messrs. Dewey and Strong—2.

So the resolution was ordered to be engrossed for a third reading.

The message last received from the house of representatives was then taken up.

And bill No. 1, (H. of R.) "An act to amend an act authorizing Webster Stanley to maintain a ferry across Fox river, approved February 18, 1842," which had been returned by the governor without his signature, and which had been reconsidered and passed by the house of representatives, being under consideration,

On motion of Mr. Strong,

A call of the council was ordered.

Messrs. Dewey and Newland were reported absent.

The sergeant-at-arms was despatched for the absentees.

The sergeant-at-arms reported Messrs. Dewey and Newland in their seats.

The question then was, "Will the council on reconsideration approve this bill?"

Which resulted as follows:

Those who voted in the affirmative were,

Messrs. Baker, Crocker, Heath, Hugunin, La Chapelle, Newland, Strong, White and Martin, (Pres't)—10.

Those who voted in the negative, were

Messrs. Dewey and Rountree—2.

So the council, on reconsideration, approved the bill.

On motion of Mr. Whiton,

So much of the 30th rule of the council as requires all bills, after being printed, to remain on the table one day before being considered, was suspended as to No. 19, "A bill to prohibit public shows for gain without a permit," and No. 20, "A bill for the preservation of deer in certain counties."

On motion of Mr. Whiton,

The council resolved itself into a committee of the whole, for the consideration of said bill No. 19,

Mr. White in the chair.

After some time spent therein, the committee rose, and by their chairman reported back to the council said bill, with amendments, in which they asked the concurrence of the council.

The amendments were concurred in by the council,
And the bill ordered to be engrossed for a third reading.

Mr. Newland, of the committee of conference, to whom was referred the disagreeing vote of the two houses relative to bill No. 7, "A bill to authorize Henry Thien to build and maintain a dam on the Milwaukee river," submitted the following report, to wit:

"The committee of conference, to whom was referred 'A bill to authorize Henry Thien to build and maintain a dam on the Milwaukee river,' report, that they recommend to insert, in lieu of the words stricken out in the house of representatives, the following words:

"The said Thien shall construct a head-gate, abutments, and all the work necessary to make a lock in said dam, at the time the said dam shall or may be built; provided, that the completion of said lock shall be left until the supervisors or the county commissioners of the county of Washington shall so direct them."

On motion of Mr. Strong,

The report of the committee of conference was re-committed to said committee of conference.

Mr. Dewey, of the committee on engrossed bills, reported the "Resolutions asking appropriations of land by congress for the purpose of establishing within the territory of Wisconsin, institutions for the instruction of the deaf and dumb and blind, and an asylum for the insane," as correctly engrossed.

On motion of Mr. Baker,

The council resolved itself into a committee of the whole for the consideration of No. 20, "A bill for the preservation of deer in certain counties;"

Mr. Newland in the chair.

After some time spent therein, the committee rose and by their chairman reported back to the council said bill with amendments, in which they asked the concurrence of the council.

The amendments were concurred in by the council.

On motion of Mr. Rountree,

The council adjourned.

TUESDAY, March 21, 1843.

The council met pursuant to adjournment,

Prayer by the Rev. Mr. Clark.

And the journal of the previous day having been read,

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: The house of representatives have concurred in bills of this house, as follows: No. 8, ‘A bill to change the name of Henry Sanders Brown;’ and No. 13, ‘A bill fixing the time of holding the annual sessions of the legislative assembly, and for other purposes.’ In the latter bill with an amendment, in which the concurrence of this house is asked.

The house of representatives have refused to concur in the first amendment of this house to bill No. 1, (H. of R.) entitled ‘A bill to change the time of holding courts in certain counties of the second judicial district;’

And have concurred in the second amendment to said bill, with an amendment, in which I am directed to ask the concurrence of this house.

And have adopted the joint report of the committee of conference, relative to ‘A bill to authorize Henry Thien to build a dam on the Milwaukee river.’”

The following message, in writing, from the governor, was delivered by his private secretary, Mr. Charles Doty, viz:

“To the Legislative Council:”

The ‘joint resolution to authorize the cancelling of certain canal bonds,’ I have signed and deposited in the office of the secretary of the territory; I was not informed until to-day in which house it originated.

I have received, during the past week, by mail, twenty-seven canal bonds, returned at the instance of B. Kilbourn, Esq., which may also be cancelled whenever the assembly shall direct—there are, therefore, now eighty-nine bonds surrendered.

J. D. DOTY.

Executive Department,
Madison, March 20, 1843.”}

Also, a communication on executive business.

Mr. Whiton presented

The petition of certain citizens of Milwaukee, Racine, Rock, and Walworth counties, praying for the passage of laws providing for the election of certain officers, according to an act of congress;

Which was referred to the committee on the judiciary.

Mr. Whiton, from the committee on the judiciary, reported

Bill No. 23, "A bill for the relief of Philip Schaumburg;"

Which was read the first and second time; and,

On motion of Mr. Strong,

So much of the rules of the council, as would require the printing of said bill No. 23, before being considered, were suspended, so far as said bill was concerned.

The message from the governor was then read.

Bill No. 17, "A bill to incorporate the Prairieville Manufacturing Company,"

Was taken up, read the third time, and

On motion of Mr. White,

Laid on the table.

Bill No. 19, "A bill to prohibit public shows for gain without a permit,"

Was then taken up for consideration, and was read the third time, when

On motion of Mr. Crocker,

It was laid on the table.

Joint resolutions No. 3, "Resolutions asking the appropriation of land by congress, for the purpose of establishing within the territory of Wisconsin, institutions for the instruction of the deaf and dumb and blind, and an asylum for the insane," were taken up.

On motion of Mr. Strong,

The resolutions were amended by striking out the word "one," in the tenth line of the first resolution as engrossed; also, the words, "an equal quantity of said," in the fourteenth line of the same; also, the words, "an equal quantity of land," occurring in the sixteenth line of the same.

The resolutions were then read the third time and passed, and the title to the same agreed to.

Mr. Strong offered the following resolution:

Resolved, That the governor be requested to inform the council what are the numbers of the twenty-seven canal bonds, returned at the instance of B. Kilbourn, and received by the governor during the past week,

Which was adopted.

The message from the governor on executive business was then read and referred to the committee on the judiciary.

On motion of Mr. Strong,

The committee of the whole were discharged from the further consideration of bill No. 18, "A bill to provide for the election of a territorial printer."

On motion of Mr. Strong,

The vote by which the committee of the whole were discharged from the further consideration of bill No. 18, was reconsidered.

On motion of Mr. Strong,

The council resolved itself into a committee of the whole for the consideration of said bill No. 18;

Mr. Crocker in the chair.

After some time, the committee rose and reported said bill back to the council with amendments, in which they asked the concurrence of the council;

The council concurred in the amendments of the committee of the whole, and the bill was ordered to be engrossed for a third reading.

Bill No. 7, (H. of R.) "A bill to provide for the punishment of embezzling public money;"

Was then taken up and read the first and second time.

Bill No. 13, (C.) "A bill fixing the time of holding the annual session of the legislative assembly, and for other purposes;"

Which had passed the house of representatives with an amendment, was taken up, and the amendment of the house of representatives was concurred in by the council.

Bill No. 1, (H. of R.) entitled "A bill to change the time of holding courts in certain counties of the second judicial district," which had passed the house of representatives with an amendment to the second amendment of the council, was then taken up;

Mr. Crocker moved, that the council recede from its first amendment to said bill;

Which was agreed to.

On motion of Mr. Newland,

The council resolved itself into a committee of the whole, for the consideration of the amendment of the house of representatives to the second amendment of the council to said bill,

Mr. Dewey in the chair.

After some time spent therein, the committee rose, and by their chairman reported back to the council said amendment without amendment, and also recommended that the council disagree to said amendment of the house of representatives;

And the question being, "will the council adopt the report of the committee of the whole?"

The report was adopted, and the amendment disagreed to.

On motion of Mr. Whiton,

The 30th rule of the council was suspended as to bill No. 22, "A bill to authorize Ira Hersey and A. L. Field to build a dam across Rock river," and to No. 21, "A bill to authorize the construction of a dam across Rock river."

On motion of Mr. Whiton,

The council resolved itself into a committee of the whole for the consideration of said bills Nos. 21 and 22;

Mr. Newland in the chair.

After some time the committee rose, and by their chairman reported bill No. 21 back to the council with amendments, and bill No. 22 without amendment.

The council concurred in the amendments of the committee of the whole to bill No. 21,

And the bill was ordered to be engrossed for a third reading.

On motion of Mr. Whiton,

Bill No. 22 was laid on the table.

Mr. Whiton, from the select committee to whom was referred the petition of Jesse Miles and others, on leave granted, reported

Bill No. 24, "A bill to authorize Clauden Stoughton and Luke Stoughton to build and maintain a dam across the Rock river; and also to authorize Anson W. Pope and Virgil Pope to build and maintain a dam across said stream."

Mr. Whiton, chairman of the committee on enrollment, by leave, presented the following resolution, viz:

"WHEREAS, it appears by the reports of the joint committee on enrollment, that his excellency the governor, did refuse to receive a bill which had passed both houses of the legislative assembly, entitled "An act to annex certain fractions or lots of land to the town of Rock, in the county of Rock," and did also refuse to receive a certain resolution which had passed both houses of the legislative assembly, entitled "Joint resolution to authorize the cancelling of certain canal bonds," when said bill and resolution were presented to him for his approval;

Resolved, if the house of representatives concur therein, That the said committee be instructed to present the said bill and resolution again to his excellency for his approval."

Which resolution, on motion of Mr. Whiton, was laid on the table.

On motion of Mr. White,

The council took a recess till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Bill No. 17, "A bill to incorporate the Prairieville Manufacturing Company," was taken up.

On motion of Mr. White,

The blank in the third section of said bill was filled with the words, "J. H. Kimball, S. H. Barstow, and A. W. Randall;"

The blank in the fifth section of the same was filled with the words, "President and;" and

The blank in the eleventh section filled with the words, "make report on the first Monday of May."

The bill was then ordered to a third reading.

On motion of Mr. White,

And by the unanimous consent of the council, the following amendment was added to the bill, viz:

"Section 16. Any person who shall have been made liable as a partner in said company, and has paid any sum of money on account of said liabilities, may have and maintain an action of assumpsit against any or all of the stockholders in said company, to recover from them the proportion due from each respectively of the

demand so paid by him, according to the number of shares by them respectively owned or held, of the stock of said company."

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to inform the council that the house of representatives have insisted on their amendment to the amendment of this house to bill No. 1, entitled "A bill to change the time of holding courts in certain counties of the second judicial district," and have appointed Messrs Hamilton and Darling a committee of conference on their part; and I am further directed to request the appointment of a like committee by this house, to which it is proposed to refer the disagreement of the two houses on the said amendment."

Bill No. 17 was then read the third time, and the question being on the final passage of the same, the ayes and noes were called.

On motion of Mr. White,

A call of the council was ordered.

Messrs. La Chapelle, Newland, Baker, and Hugunin, were reported absent.

On motion of Mr. Strong,

Messrs. La Chapelle and Newland were excused from attendance.

On motion of Mr. White,

Further proceedings under the call of the council were dispensed with.

The question being on the passage of bill No. 17, the result was as follows:

Those who voted in the affirmative, were

Messrs. Baker, Crocker, Newland, White, Whiton, and Martin, (Pres't)—6.

Those who voted in the negative, were

Messrs. Barber, Heath, Rountree, and Strong—4.

So the bill passed the council, and the title to the same was agreed to.

The following message was delivered from the governor, by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

In reply to the resolution of the council, of this day, I have the

honor to state, that the numbers of the bonds received during the last week, at the instance of B. Kilbourn, Esq., are four to thirty, each number inclusive.

J. D. DOTY.

Executive Department,
Madison, March 21, 1843." }

Also, a communication on executive business was received from the governor.

On motion of Mr. Strong,

The message from the house of representatives, relative to the appointment of a joint committee of conference on the disagreeing vote of the two houses, in relation to bill No. 1, "A bill to change the time of holding courts in certain counties of the second judicial district," was taken up.

Mr. Strong moved that a committee of conference be appointed.

The motion was agreed to, and

Messrs. Strong and Baker were appointed of the said committee of conference on the part of the council.

The president announced the appointment of Mr. Strong to the committee on the judiciary, and to the committee on territorial expenditures, to fill the vacancy occasioned by the election of Morgan L. Martin as president of the council.

On motion of Mr. Whiton,

The council resolved itself into a committee of the whole, for the consideration of No. 23, "A bill for the relief of Philip Schaumburg,"

Mr. Rountree in the chair.

After some time, the committee rose and reported the same back to the council with an amendment, in which they asked the concurrence of the council;

Which amendment was concurred in by the council,

And the bill was ordered to be engrossed for a third reading.

Mr. Strong offered the following joint resolutions:

Resolved, by the council and house of representatives of the territory of Wisconsin, that the two houses of the legislative assembly will meet in the representatives' hall, on Saturday, the 25th day of March, 1843, at 12 o'clock, for the purpose of being present at the destruction of sixty-one canal bonds.

Resolved, That the governor be authorized and requested, at

the same time and place, to destroy twenty-seven canal bonds, numbered from four to thirty inclusive, bearing date March 15th, 1841, and issued in pursuance of an act, entitled "An act supplementary to the several acts relative to the Milwaukee and Rock River canal, approved February 12, 1841."

Mr. Strong moved that all rules of the council preventing the passage of said resolutions at the present time be suspended, so far as they were concerned;

Which was agreed to.

The resolutions were then read three several times, and passed.

Mr. Whiton, of the committee on enrolled bills, reported bills nos. 13 and 8, as correctly enrolled.

On motion of Mr. Strong, Bill No. 7, (H. of R.) was referred to the committee on the judiciary.

Mr. Dewey, of the committee on engrossed bills, reported bill no. 18, (C.) as correctly engrossed.

On motion of Mr. Crocker, So much of the rules of the council as would prevent bill No. "A bill to provide for the election of a territorial printer," from being read the third time now, was suspended so far as said was concerned.

On motion of Mr. Crocker, The blank in the first section was filled by inserting the word "no."

On motion of Mr. Strong, The blank in the fourth section was filled by inserting the word "ty."

Mr. Whiton called for the reading of the communications on from various individuals, containing propositions for the publishing.

The communications were read by the secretary.

Mr. Strong moved to fill the first blank in section 6 of said bill, with the word "seventy-five;"

on which question, the ayes and noes being called, the result was as follows:

Those who voted in the affirmative were,
Messrs. La Chapelle and Strong—2.

Those who voted in the negative, were
Messrs. Barber, Crocker, Dewey, Heath, Newland, Rountree,
White, Whiton and Martin, (Pres't)—9.

So the motion was lost.

Pending the consideration of the bill,

The following message from the governor, was delivered by his
private secretary, Mr. Charles Doty, to wit:

"To the Legislative Council:

I have to-day approved and signed 'An act to annex certain
fractions or lots of land to the town of Rock,' and deposited it in
the office of the secretary of the territory. J. D. DOTY,

Executive Department, }
Madison, March 21, 1843." }

The consideration of said bill was then resumed.

Mr. Crocker moved that the blank in section 6, be filled with
the word "seventy;"

On which question, the ayes and noes being called, the result
was as follows, viz:

Those who voted in the affirmative, were

Messrs. Crocker, La Chapelle, Newland, Strong, and Martin,
(Pres't)—5.

Those who voted in the negative, were

Messrs. Baker, Barber, Dewey, Heath, Rountree, White,
Whiton—7.

So the motion was lost.

Mr. Strong moved to fill the said blank with the word "sixty
five;"

And the ayes and noes being called for, they were as follows,
viz:

Those who voted in the affirmative, were

Messrs. Crocker, La Chapelle, Newland, Strong and Martin,
(Pres't)—5.

Those who voted in the negative, were

Messrs. Baker, Barber, Dewey, Heath, Rountree, White,
Whiton—7.

So the motion was lost.

Mr. White moved to fill said blank with the words "sixty
and a half,"

And the ayes and noes being called, the result was as follows:

Those who voted in the affirmative, were

Messrs. Crocker, La Chapelle, Newland, Strong, White, and Martin, (Pres't,) 6.

Those who voted in the negative, were

Messrs. Baker, Barber, Dewey, Heath, Rountree, and Whiton —6.

So the motion was lost.

Mr. Whiton moved to fill the said blank with the word "sixty;"

And the ayes and noes being called, the result was as follows, to wit:

Those who voted in the affirmative, were

Messrs. Crocker, La Chapelle, Newland, Strong, White and Martin, (Pres't,) 6.

Those who voted in the negative, were

Messrs. Baker, Barber, Dewey, Heath, Rountree, and Whiton —6.

So the motion was lost.

Mr. Strong moved that the council adjourn till 7 o'clock this evening;

Which was disagreed to.

On motion of Mr. Whiton,

The council adjourned until half past six o'clock this evening.

HALF-PAST SIX O'CLOCK, P. M.

On motion of Mr. Strong,

A call of the council was ordered.

Messrs. Baker, La Chapelle, Newland and White were reported absent.

The sergeant-at-arms was despatched for the absentees.

On motion of Mr. Strong,

Further proceedings under the call of the council were suspended.

Bill No. 18, "B bill to provide for the election of a territorial printer,"

Was taken up for consideration, and

On motion of Mr. Strong,

It was laid on the table.

Mr. Strong, on leave, presented an account of S. Catlin, for bringing up the journal of the last session, and moved that it be referred to the committee on legislative expenditures.

The motion was agreed to, and reference was made accordingly.

Mr. Dewey, of the committee on engrossed bills, reported bills Nos. 21 and 23, as correctly engrossed.

Mr. Strong, from the committee on the judiciary, to whom had been referred a resolution instructing said committee to inquire into the expediency of providing by law for the election of the several territorial and county officers, the election of which is authorized by any law of congress, reported

Bill No. 25, "A bill to provide for the election of sheriffs, judges of probate and justices of the peace;"

Which was read the first and second time.

On motion of Mr. Strong,

The 30th rule of the council was suspended so far as said bill No. 25 was concerned.

On motion of Mr. Strong,

The council resolved itself into a committee of the whole for the consideration of bill No. 25;

Mr. La Chapelle in the chair.

After some time, the committee rose, and reported they had made some progress in the matter under consideration, and asked leave to sit again;

And leave was granted.

On motion of Mr. Barber,

Ordered, that twice the usual number of copies of said bill be printed.

On motion of Mr. Rountree,

Bill No. 18, "A bill to provide for the election of a territorial printer," was taken up;

Mr. Strong moved to lay the same on the table;

Which motion was lost.

Mr. Baker moved that the vote by which the council refused to fill the blank in section 6, of bill No. 18, with the word "sixty," be reconsidered;

On which motion the ayes and noes being called, the result was as follows, to wit:

Those who voted in the affirmative were,
Messrs. Baker, Crocker, La Chapelle, Newland, Strong, White and Martin (Pres't.)—7.

Those who voted in the negative were,
Messrs. Barber, Dewey, Heath, Rountree and Whiton—5.
So the vote was reconsidered.

The question then being on filling the blank with the word "sixty," and the ayes and noes being called, the result was as follows, to wit:

Those who voted in the affirmative were,
Messrs. Baker, Crocker, La Chapelle, Newland, Strong, White and Martin (Pres't.)—7.

Those who voted in the negative were,
Messrs. Barber, Dewey, Heath, Rountree and Whiton—5.
So the amendment was adopted.

Mr. Strong moved to fill the 2d blank in section 6 with the word "seventy."

On the question being taken, the ayes and noes were called, and the result was as follows:

Those who voted in the affirmative were,
Messrs. Crocker, La Chapelle, Newland, Strong and Martin, (President.)—5.

Those who voted in the negative were,
Messrs. Baker, Barber, Dewey, Heath, Rountree, White and Whiton—7.

So the motion was lost.

Mr. White moved to fill said blank with the words, "sixty-two and one half;" and on the question the ayes and noes were called, and the result was as follows:

Those who voted in the affirmative were,
Messrs. Baker, Crocker, Dewey, La Chapelle, Newland, Strong, White and Martin (President.)—8.

Those who voted in the negative were,
Messrs. Barber, Heath, Rountree and Whiton—4.

So the motion was agreed to, and the blank filled accordingly.

Mr. Crocker moved to fill the third blank in section 6, of said bill, with the word "thirty;"

On which motion the ayes and noes were called, and were as follows:

Those who voted in the affirmative were,

Messrs. Crocker, La Chapelle, Newland, Strong and Martin, (President.)—5.

Those who voted in the negative were,

Messrs. Baker, Barber, Dewey, Heath, Rountree, White and Whiton—7.

So the motion was lost.

Mr. White moved to fill said blank with the word "twenty-five;"

And the ayes and noes being called on the motion, the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. Baker, Crocker, Heath, La Chapelle, Newland, Strong, White, and Martin, (Pres't,) 8.

Those who voted in the negative, were

Messrs. Barber, Dewey, Rountree and Whiton—4.

So the motion was agreed to.

On motion of Mr. Crocker,

The fourth blank in said section was filled with the word "thirty first."

Mr. Barber moved further to amend the bill by inserting in the fifth blank the word "four."

The question being put, and the ayes and noes being called, the result was as follows:

Those who voted in the affirmative, were

Messrs. Barber and Rountree—2.

Those who voted in the negative, were

Messrs. Baker, Crocker, Dewey, Heath, La Chapelle, Newland, Strong, and Martin, (Pres't,) 10.

So the amendment was rejected.

On motion of Mr. Crocker,

The bill was amended by the insertion, in said last mentioned blank, the word "three."

Mr. Strong obtained the unanimous consent of the council to amend said bill by adding the following, viz:

"Section 11. As soon as the territorial printer shall receive a copy of any law of this territory, he shall print the same in the newspaper printed by him, and said newspaper shall be evidence of all laws printed therein."

The question then was, "Shall the bill pass?"

And the ayes and noes being called, the result was as follows,
to wit:

Those who voted in the affirmative, were

Messrs. Baker, Crocker, Dewey, La Chapelle, Newland, Strong, White and Martin, (Pres't,)—8.

Those who voted in the negative, were

Messrs. Barber, Heath, Rountree and Whiton—4.

So the bill passed, and the title to the same was agreed to.

Mr. Baker moved that the council do now adjourn;

And the ayes and noes being called, the result was as follows,

iz:

Mr. Baker voted in the affirmative.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, Heath, La Chapelle, Newland, Rountree, Strong, White, Whiton, and Martin, (Pres't,) 11.

So the council refused to adjourn.

On motion of Mr. Strong,

The council then adjourned until nine o'clock to-morrow morning.

EXECUTIVE JOURNAL.

TUESDAY, March 21, 1843.

The message of the governor, this day received, relative to executive nominations, was, on motion, taken up.

On motion of Mr. Strong,

So much of the governor's message as relates to the nominations of justices of the peace, was referred to the committee on judiciary.

On motion of Mr. Dewey,

So much of the governor's message as relates to the nomina-

tion of J. Allen Barber, for judge of probate, and Edward Bicknell, for auctioneer, for the county of Grant, was considered, and the said nominations were confirmed by the council.

On motion of Mr. Crocker,

The whole of the governor's message relative to nominations was referred to the committee on the judiciary, except such nominations for the county of Grant as had already been confirmed by the council.

WEDNESDAY, March 22, 1843.

The council met pursuant to adjournment.

The journal of the previous day having been read,

Mr. Rountree, of the committee on the militia, reported

Bill No. 26, "A bill to amend an act of the statutes of Wisconsin relating to the militia;"

Which was read the first and second time.

Bill No. 21, "A bill to authorize the construction of a dam across Rock river;"

Was then taken up.

Mr. Whiton, by the unanimous consent of the council, moved to amend the first section of said bill by inserting after the words "thirty-six," the following words, to wit: "on any land they own or may own within eighty rods of said section number thirty-six"

Which amendment was concurred in by the council.

On motion of Mr. Whiton,

The title to the same was amended by striking out the words "a dam," and inserting in lieu thereof, the words, "certain dams."

The bill was then passed, and the title to the same agreed to.

Bill No. 23, "A bill for the relief of Philip Schaumburg;"

Was then taken up, read the third time, and passed, and the title to the same was then agreed to.

Mr. Strong, from the committee of conference, to whom was

referred the disagreement of the two houses on bill No. 1, (H. of R.) submitted the following report of said committee:

"The committee of conference, to whom was referred the disagreeing vote of the two houses on bill No. 1, (H. of R.) entitled 'A bill to change the time of holding courts in certain counties of the second judicial district,' report:

That they recommend to the council to recede from its second amendment, and that the two houses adopt the amendment of the house of representatives to the second amendment of the council, with the following amendment: insert after the word 'pending,' in the first section of the amendment of the house, the following words 'if the offence charged in the indictment be punishable with death or imprisonment in the state prison.'

Also, instead of the title, as amended, that the two houses adopt the following title, viz:

'A bill to change the time of holding courts in certain counties of the second judicial district, and to provide for a change of venue in criminal cases.'

Which report was adopted by the council.

Mr. Strong, of the committee on the judiciary, to whom had been referred bill No. 7, (H. of R.) "A bill to provide for the punishment of embezzling public money," reported the same back to the council with sundry amendments, in which the concurrence of the council was asked.

The bill and amendments were laid on the table.

Mr. Whiton of the committee on enrolled bills, submitted the following report:

"The committee on enrollment report, that they did, on yesterday, present to his excellency the governor for his approval, a bill entitled 'An act to organize certain towns therein named,' and a bill entitled 'An act to provide for the appointment of a superintendent of territorial property, and for other purposes.'

EDWARD V. WHITON,

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

On motion of Mr. Strong,

The council resolved itself into a committee of the whole, for the consideration of said bill No. 25,

Bill No. 25, "A bill to provide for the election of sheriffs, judges of probate and justices of the peace;"

Mr. La Chapelle in the chair.

Pending the consideration of the same, the chief clerk of the house of representatives was announced, when the president resumed the chair, and the following message was delivered:

"Mr. President: I am directed to present for your signature the following bills, to wit:

'An act to change the name of Henry Sanders Brown,' and

'An act fixing the time of holding the annual session of the legislative assembly, and for other purposes.'"

The president signed the bills referred to in the message from the house of representatives, and the committee of the whole resumed its session.

A message from the governor was announced, when the president again resumed the chair, and the private secretary of the governor, Mr. Charles Doty, presented a message in writing from the governor.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have adopted the joint report of the committee of conference, to which was referred the disagreement of the two houses relative to bill No. 1, (H. R.) entitled 'A bill to change the time of holding courts in certain counties of the second judicial district;'

And have concurred in bill No. 10, (of this house,) entitled 'A bill to change the boundaries of certain towns therein named with amendments, in which I am directed to ask the concurrence of the council.'

The committee of the whole again resumed its session.

After some time spent therein, the committee rose, and by the chairman reported back to the council said bill, No. 25, with sundry amendments, in which they asked the concurrence of the council.

On motion of Mr. Whiton,

The council concurred in all the amendments of the committee

of whole, with the exception of the amendment inserted as section ten.

The council refused to concur with the committee of the whole in the amendment inserted as section ten.

Mr. White moved that the council do now take a recess until three o'clock;

Upon which motion, the ayes and noes being called, the result was as follows:

Those who voted in the affirmative, were

Messrs. White and Martin, (Pres't)—2.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, La Chapelle, Rountree, Strong and Whiton—9.

So the motion was lost.

Bill No. 25, was then ordered to be engrossed for a third reading.

On motion of Mr. Strong,

The council adjourned to 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The president laid before the council the annual report of the territorial auditor;

Also, a communication from the governor, on executive business.

The following message was delivered from the governor, by his private secretary, Mr. Charles Doty, viz:

To the Legislative Council:

I have approved and signed the act entitled, 'An act to change the name of Henry Sanders Brown,' and deposited it in the office of the secretary of the territory.

J. D. DOTY.

Executive Department, }
Madison, March 21, 1843." }

Also, a communication from the governor on executive business, was received.

Mr. Dewey, of the committee on engrossed bills, reported bill No. 25, as correctly engrossed.

On motion of Mr. Dewey,

Bill No. 25, "A bill to provide for the election of sheriffs, judges of probate and justices of the peace,"

Was taken up, and read the third time.

Mr. Strong obtained the unanimous consent of the council to amend said bill, by inserting in the eleventh and fourteenth lines of section number six, the word, "next," before the word "annual," there occurring.

Which amendment was accordingly made.

On motion of Mr. Strong,

Bill No. 7, (H. of R.) "A bill to provide for the punishment of embezzling public money;"

Was taken up, and

On motion of Mr. Strong,

The council resolved itself into a committee of the whole, for the consideration of said bill;

Mr. Barber in the chair.

After some time, the committee rose, and by their chairman reported the same back to the council with amendments, in which they asked the concurrence of the council.

The amendments of the committee of the whole were, on motion, concurred in by the council; and,

On motion of Mr. Strong,

The bill was laid on the table.

On motion of Mr. Crocker,

Bill No. 10, (C.) "A bill to change the boundaries of certain towns therein named,"

Was taken up.

On motion of Mr. Crocker,

The same, as amended by the house of representatives in section three, was further amended by adding the word "Howard" after the word "Pesukie."

The amendments of the house as amended, were then concurred in by the council.

On motion of Huganin,

The messages from the governor this day received, on executive business, were taken up.

On motion of Mr. Strong,

So much of the said message as relates to nominations of justices of the peace, was referred to the committee on the judiciary.

And so much as relates to other nominations was laid on the table.

Mr. Crocker presented an account of John Y. Smith, building commissioner, and moved its reference to the committee on territorial expenditures;

The motion was agreed to, and reference was made accordingly.

On motion of Mr. Newland,

The report of the territorial auditor was taken up, and read by the secretary.

Pending the reading of said report,

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for your signature a bill, entitled 'An act to change the time of holding courts in certain counties of the second judicial district, and to provide for a change of venue in criminal cases;' which has been signed by the speaker of the house of representatives.

I am also directed to inform this, that the house of representatives have adopted the joint report of the committee appointed to ascertain the condition of the library and the property appertaining to the legislative assembly, and have ordered two hundred copies of the report and document marked 'C,' to be printed."

The reading of the report of the territorial auditor, was then resumed and completed.

The president placed his signature to the bill referred to in the above message.

Mr. Rountree moved that the report of the auditor be printed.

On which motion, the ayes and noes were called, and the result was as follows, viz:

Those who voted in the affirmative were,

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, Newland, Rountree, White and Whiton—9.

Those who voted in the negative were,

Messrs. Baker, La Chapelle, Strong and Martin, (Pres't.)—4.

So the report was ordered to be printed. [SEE APPENDIX.]

On motion of Mr. Crocker,

The report of the auditor was referred to the committee on territorial expenditures.

Mr. Barber presented a petition of James H. Lockwood, late judge of probate for the county of Crawford, and moved its reference to the committee on the judiciary.

The motion was agreed to, and the petition referred.

On motion of Mr. Strong,

The council adjourned until seven o'clock this evening.

SEVEN O'CLOCK, P. M.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in a resolution and bill of this house of the following titles, viz:

'Resolution providing for a joint committee of the two houses for the destruction of certain canal bonds;' and

No. 25, 'A bill to provide for the election of sheriffs, judges of probate, and justices of the peace;'

In the latter with amendments, in which I am directed to ask the concurrence of this house."

A message from the governor was announced by his private secretary, Mr. Charles Doty, as follows:

"Mr. President: I am directed by the governor to return to this house 'An act to provide for the election of a superintendent of territorial property, and for other purposes,' without his signature; and also a message in writing."

Mr. Whiton of the committee on enrolled bills, submitted the following report, viz:

"The committee on enrollment report, that they did, on this day, present to his excellency the governor, for his approval, a bill entitled 'An act to change the time of holding courts in certain counties of the second judicial district, and to provide for a change of venue in criminal cases.'

EDWARD V. WHITON,

Chairman of the committee on the part of the council

ROBERT M. LONG,

Chairman of the committee on the part of the house.

"The committee on enrollment report, that they did, on this day, present to his excellency the governor, for his approval, a bill entitled 'An act to change the name of Henry Sanders Brown,' and a bill entitled 'An act fixing the time of holding the annual sessions of the legislative assembly, and for other purposes.'"

EDWARD V. WHITON,

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

On motion of Mr. Strong,

Bill No. 25, "A bill to provide for the election of sheriffs, judges of probate, and justices of the peace," accompanying the message from the house of representatives, just received, was taken up, and

The question being, "Will the council concur in the amendments of the house of representatives to bill No. 25?"

On motion of Mr. Strong,

The amendment of the house of representatives was amended by striking out of the amendment to the 18th section the word, "second," and inserting in lieu thereof, the word "ninth."

The amendments were then concurred in by the council.

The following message of the governor, accompanying bill No. 2, was then, on motion, taken up and read:

To the Legislative Council:

I return herewith the bill entitled "An to provide for the election of a superintendent of territorial property, and for other purposes," with my objections thereto.

The first section provides "that there shall be elected, by joint ballot of the council and house of representatives, an agent of the legislative assembly, who shall be styled superintendent of territorial property, whose term of service shall commence at the time of his election," &c.

The second section provides, "that there shall be *elected*, at each regular annual session of the legislative assembly, on such day as the two houses by joint resolution shall prescribe, a superintendent of territorial property, whose term of service shall commence at the termination of the session at which he is elected," &c.

The third section declares that "all the duties which now devolve by law upon the commissioner of public buildings, &c., shall devolve upon, and be performed by the superintendent."

The fourth section transfers the duties of the librarian to the superintendent; and the 8th section gives him a salary of three hundred dollars a year, besides all expenses incurred by him on account of the territory.

The provisions of this bill create a *civil office*, and confer the power to appoint the person to fill that office upon the council and house of representatives.

This transfer of the appointing power from the governor and council to the council and house of representatives, I conceive, is a violation of the ordinance of 1787, and of the 2d and 7th sections of the act entitled "An act establishing the territorial government of Wisconsin." The provision of the latter section is that "the governor shall nominate, and by and with the advice and consent of the legislative council, shall appoint all judicial officers, justices of the peace, sheriffs, and all militia officers, except those of the staff, and *all civil officers* not herein provided for." "Vacancies occurring in the recess of the council shall be filled by appointments from the governor."

The territorial property is not in the possession of the council and house of representatives; nor is it placed by any law under their exclusive control. If the superintendent does not take good care of the property, or is guilty of misbehavior, there is no provision made for his removal; neither is there to fill a vacancy, or to preserve the property from waste or destruction. The assembly sits but seventy-five days, and can therefore know what is the actual condition of the public property but a few days in the year. The superintendent is required to give a bond in the penal sum of two thousand dollars only, when the value of the public property which will be delivered to him will exceed forty thousand dollars. I do not think these provisions sufficiently guard and secure the interests of the territory.

The bill creates a new office, and transfers to it all the duties of the librarian and commissioner, with a salary of three hundred dollars and perquisites, but does not abolish those offices. The librarian would still be entitled to receive three hundred dollars

a year, and the commissioner [the compensation] now allowed by law.

The 8th sec. provides, that "the superintendent shall receive a salary of three hundred dollars, to be paid by the secretary of the territory *out of the fund* appropriated by Congress to *defray the expenses* of the legislative assembly."

If this fund can be appropriated to pay the salary of this officer, I do not see why the salary of every other officer under the territorial laws may not also be paid out of it; especially if they be called "agents of the legislative assembly," and styled "superintendent of territorial property, rights, or interests."

Having no knowledge that this salary has been estimated for by the secretary of the treasury, or that it is an object which has been approved by congress, I have no reason to believe that it would be paid at the treasury. I conclude that it would be in the same situation as the scrip and bonds heretofore issued, and eventually be charged upon the people of this territory.

The act of congress of the 29th of August, expressly provides; that "no act, resolution, or order of the legislature of any territory, directing the expenditure of the sum (appropriated for its expenses) shall be deemed a sufficient authority for such disbursements, and no payment shall be made or allowed, unless the secretary of the treasury shall have estimated therefor.

J. D. DOTY.

Executive Department,
Madison, March 22, 1843." }

Mr. Strong moved that the council proceed to reconsider No: 2, A bill to provide for the election of a superintendent of territorial property," returned by the governor without his signature, and his objections thereto; when,

On motion of Mr. Dewey,
The bill was laid on the table.

On motion of Mr. Strong,
Bill No. 7, (H. of R.) "A bill to provide for the punishment of embezzling public money;"
Was taken up for consideration.

Mr. Baker obtained the unanimous consent of the council to amend said bill as follows:

By inserting in the seventh line of section one, the word "the," before the word "collection," and, in the same line, by inserting the word "receipt," after the word "keeping," and in the eleventh line, by striking out the words, "or for any other purposes," and inserting before the word "wilfully," the words, "who shall."

The question then being, "Shall the bill pass?"

It was decided in the affirmative.

And the question then being on agreeing to the title,

On motion of Mr. Baker,

The title was amended by striking out all after the words, "A bill to provide for," and inserting, "punishing the crime of embezzlement by public officers;"

And the title as amended was agreed to.

Mr. Hugunin moved, that the nominations for Racine county, which were not referred to the committee on the judiciary, be now taken up for consideration.

And the question being, "Will the council go into executive business?"

It was decided in the negative.

Mr. Strong offered the following resolution, viz:

Resolved, That the use of the council chamber, to-morrow forenoon, be tendered to the Democratic Territorial Convention;

And moved its adoption.

Which was agreed to.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in bill No. 9, entitled

'A bill to legalize the proceedings of the inhabitants of Winnebago county, in the organization of said county;'

And in the amendment of this house to the amendment of the house of representatives to

Bill No. 10, (C.) 'A bill to change the boundaries of certain towns therein named.'

And in bill No. 16, (of this house,) relative to the canal lands in the latter with amendments, in which the concurrence of the council is asked."

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in the amendment of this house, to the third amendment to the 18th section of

Bill No. 25, 'A bill to provide for the election of sheriffs, judges of probate and justices of the peace.'"

On motion of Mr. Newland,

No. 16, a bill relative to canal lands, was taken up for consideration.

And the question being on concurring in the amendments of the house of representatives, to said bill;

On motion of Mr. Crocker,

The bill was laid on the table.

Mr. Whiton, of the committee on enrollment, reported

Bill No. 25, "A bill to provide for the election of sheriffs, judges of probate and justices of the peace;"

As correctly enrolled.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for your signature, bill No. 25, which has been signed by the speaker of the house of representatives."

Mr. Strong moved, that when the council adjourn this evening, that it adjourn till 2 o'clock to-morrow afternoon.

Which was agreed to.

On motion of Mr. Whiton,

The council adjourned.

THURSDAY, March 23, 1843.

The council met pursuant to adjournment.

The journal of the previous day having been read,

The following message was delivered from the governor, by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

I have approved and signed an act entitled, 'An act to provide for the election of sheriffs, judges of probate, and justices of the peace;' and deposited it in the office of the secretary of the territory.

J. D. DOTY.

Executive Department,
Madison, March 23, 1843." }

Mr. Whiton of the committee on enrolled bills, submitted the following report:

"The committee on enrollment report that they did, on yesterday, present to his excellency the governor, for his approval, a bill entitled "An act to provide for the election of sheriffs, judges of probate, and justices of the peace.

EDWARD V. WHITON,

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

Mr. Baker offered the following resolution, viz:

Resolved, by the council and house of representatives of the territory of Wisconsin, that the session of the legislative assembly to commence on the twenty-seventh day of March, 1843, shall terminate on Monday, the 11th day of April, eighteen hundred and forty-three.

Mr. La Chapelle, from the committee on territorial roads, reported

Bill No. 27, "A bill to alter the territorial road from Beloit to Madison;"

Which was read the first and second time.

On motion of Mr. Baker,

Bill No. 20, "A bill for the preservation of deer in certain counties," was taken up,

And the question being on ordering the same to be engrossed for a third reading, the ayes and noes were called, and the result was as follows:

Those who voted in the affirmative, were

Messrs. Baker, Crocker, Heath, Hugunin, Newland, Rounfree, White, Whiton, and Martin, (Pres't,)—9.

Those who voted in the negative, were

Messrs. Barber, Dewey, La Chapelle and Strong—4.

So the bill was ordered to be engrossed for a third reading.

On motion of Mr. Crocker,

“Joint resolution No. 4, relative to the adjournment of the session of the legislative assembly, commencing on the 27th March, 1843;”

Was taken up.

Mr. Newland moved to lay it on the table;

Which motion was lost.

The resolution was then read the first and second time.

On motion of Mr. Crocker,

All the rules of the council which would prevent the consideration in committee of the whole of said resolution, at this time, were suspended, so far as said resolution was concerned;

And the council resolved itself into a committee of the whole for the consideration of the same,

Mr. Heath in the chair.

After some time, the committee rose, and by their chairman reported said resolution back to the council, with the following amendment, viz:

Strike out the words, “Monday, the eleventh;” and insert, “on or before the seventeenth;” in which they asked the concurrence of the council.

Mr. Strong moved to amend the amendment by striking out the word “seventeenth,” and inserting in lieu thereof, the word “twelfth;”

Which was decided in the negative.

Mr. Strong moved to amend the amendment by striking out the word “seventeenth,” and inserting in lieu thereof, the word “twenty-fourth;”

Which motion was also lost.

The question then was on concurring in the report of the committee of the whole,

And the ayes and noes being called, the result was as follows, to wit:

Those who voted in the affirmative, were
Messrs. Baker, Barber, Crocker, Heath, Hugunin, La Chapelle,
Newland, White and Whiton—9.

Those who voted in the negative, were
Messrs. Dewey, Rountree, Strong, and Martin, (Pres't,) 4.
So the report of the committee was concurred in.

Mr. Strong, of the committee on the judiciary, submitted a report, recommending certain executive nominations.

Mr. Dewey, from the committee on engrossed bills, reported joint resolution No. 4, as correctly engrossed.

On motion of Mr. Whiton,

All rules of the council which would prevent the passage of joint resolution No. 4, at this time, were suspended so far as said resolution was concerned.

The resolution was then read the third time and passed, and the title to the same agreed to.

Mr. Barber gave notice that he should, at some future day, introduce a bill, entitled "A bill to regulate certain elections in the county of Jefferson."

On motion of Mr. Crocker,

Bill No. 2, "A bill to provide for the election of a superintendent of territorial property;"

Which had been returned by the governor without his signature, and with his objections thereto, was taken up.

On motion of Mr. Strong,

A call of the council was ordered, and

Mr. Dewey was reported absent.

The sergeant-at-arms was despatched to procure the attendance of Mr. Dewey.

The sergeant-at-arms reported Mr. Dewey in his seat, and

Further proceedings under the call of the council were suspended.

The question then was, "Will the council, on reconsideration, pass the bill?"

And the ayes and noes being called, the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. Baker, Barber, Crocker, Dewey, Heath, Hugunin, La

Chapelle, Newland, Rountree, Strong, White, Whiton, and Martin, (Pres't,)—13.

Noes—0.

So the council, on reconsideration, unanimously passed the bill.

On motion of Mr. Rountree,

Leave of absence, for one week, was granted to Mr. Dewey.

On motion of Mr. Newland,

The council adjourned.

FRIDAY, March 24, 1843.

The council met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The journal of the previous day having been read,

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: I am directed to present for the concurrence of this house bill No. 15, “A bill to amend an act entitled an act to incorporate the village of Racine;”

And to inform you that the house of representatives have concurred in resolutions and bill of this house of the following titles, to wit:

No. 3, ‘Resolutions asking an appropriation of land by congress for the purpose of establishing within the territory of Wisconsin, institutions for the instruction of the deaf and dumb and blind, and an asylum for the insane;’

No. 4, ‘Joint resolution relative to the adjournment of the session of the legislative assembly, commencing on the 27th March, 1843;’

No. 6, ‘A bill to authorize the register of deeds of Washington county to procure copies of certain records from the office of register of deeds of Milwaukee county.’

In the latter with an amendment, in which the concurrence of the council is asked.

The governor notified the house of representatives, on yesterday, that he had approved

'An act to change the time of holding courts in certain counties of the second judicial district, and to provide for a change of venue in criminal cases.'"

The president laid before the council a communication from the territorial treasurer;

Which was read, and referred to the committee on territorial expenditures.

Mr. Strong presented the account of Simeon Mills, for expenses in carrying witnesses to Walworth county court, and for attendance as a witness;

Which was referred to the committee on territorial expenditures.

Mr. Baker presented the account of Simeon Mills, for brick furnished to repair fire-places in the capitol;

Which was referred to the committee on legislative expenditures.

The following message was delivered from the governor, by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

I have approved and signed, a bill entitled 'An act fixing the time of holding the annual session of the legislative assembly, and for other purposes,' and deposited it in the office of the secretary of the territory.

J. D. DOTY.

Executive Department, }
Madison, March 24, 1843." }

Mr. Strong, from the committee on the judiciary, to which was referred the petition of James H. Lockwood, reported

No. 28, "A bill to legalize the official acts of James H. Lockwood;"

Which was read the first and second time.

On motion of Mr. White,

The 30th rule of the council was suspended, so far as the same prevented said bill from being considered in committee of the whole at this time.

Mr. Whiton, of the committee on enrolled bills, reported bill No. 7, as correctly enrolled.

Mr. Barber, on leave granted, presented bill

No. 29, "A bill relative to certain elections in the county of Jefferson;"

Which was read the first and second time.

And so much of the 30th rule of the council as would prevent the consideration of the same, at this time, in committee of the whole, was suspended so far as said bill was concerned.

Mr. Strong offered the following resolution, viz:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of legalizing the proceedings of the county officers of the county of St. Croix, and to repeal the law organizing said county for judicial purposes;

Which was adopted.

Mr. Crocker gave notice, that on some future day he should introduce

"A bill to repeal an act entitled 'an act to prescribe the mode of proceeding in chancery, and for other purposes,' approved 13th June, 1840."

Bill No. 26, "A bill to amend an act of the statutes of Wisconsin relating to the militia;"

Was taken up for consideration.

On motion of Mr. Rountree,

The council resolved itself into a committee of the whole for the consideration of said bill;

Mr. Hugunin in the chair.

After some time the committee rose, reported progress, and asked leave to sit again; and

Leave was accordingly given.

The following bills were taken up for consideration, to wit:

No. 28, "A bill to legalize the official acts of James H. Lockwood;" and

No. 29, "A bill relative to certain elections in the county of Jefferson."

On motion of Mr. Whiton,

The council resolved itself into a committee of the whole for the consideration of bill No. 28;

Mr. Rountree in the chair.

After some time spent therein, the committee rose and reported back to the council said bill without amendment;

The question then being on ordering the bill to be engrossed for a third reading,

On motion of Mr. Whiton,
The bill was laid on the table.

On motion of Mr. Barber,
The council resolved itself into a committee of the whole for the consideration of bill No. 29;

Mr. Whiton in the chair.

After some time, the committee rose, and by their chairman reported that they had made some progress, and asked leave to sit again;

Leave was accordingly granted.

Mr. Strong presented

A petition from Joseph Haskell and others; also, a letter from Joseph Haskell, praying that the county commissioners, and other county officers of the county of St. Croix, may meet and keep their offices at Red Stone Prairie, on the Mississippi river;

And moved their reference to the committee on the judiciary.

The motion was agreed to, and reference was made accordingly.

Mr. Strong, from the committee on the judiciary, to which has been referred a petition and letter of Joseph Haskell and others of the county of St. Croix, reported bill

No. 30, "A bill to repeal the fourth section of an act entitled 'an act to organize the county of St. Croix,' and to legalize the acts of certain officers in said county, and for other purposes;"

Which was read the first and second time.

Bill No. 15, (H. of R.) entitled "A bill to amend an act to incorporate the village of Racine;"

Was then taken up, and read the first and second time.

On motion of Mr. Crocker,

The council resolved itself into a committee of the whole for the consideration of said bill;

Mr. Strong in the chair.

Pending the consideration of the same, the chief clerk of the house of representatives was announced; when the president resumed the chair, and the following message was received, viz:

"Mr. President: I am directed to present for the concurrence of this house, bills of the house of representatives of the following titles, to wit:

No. 4, 'A bill concerning road taxes;'

No. 9, 'A bill to amend an act entitled an act to provide for the printing and distribution of the laws of Wisconsin;'

No. 13, 'A bill in relation to the duties of certain territorial officers;'

No. 16, 'A bill to authorize Levi Godfrey, Philo Belden and Hiland S. Hulbert, to build and maintain a dam on Fox river.'

I am further directed to inform the council, that the house of representatives have concurred in bill No. 23, of this house, 'A bill for the relief of Philip Schaumburg;'

And have reconsidered and approved 'An act to provide for the appointment of a superintendent of territorial property, and for other purposes,' which had been returned by the governor with objections—twenty-four members voting for the bill."

The council resumed its session in committee of the whole.

After some time, the committee rose, and by their chairman reported that they had made progress in the matter under consideration, and asked leave to sit again.

Leave was accordingly granted.

On motion of Mr. Barber,

The council resolved itself into a committee of the whole, for the consideration of bill No. 29;

Mr. Newland in the chair.

After some time, the committee rose and by their chairman reported said bill with an amendment, in which they asked the concurrence of the council.

The council concurred therein, and the bill was ordered to be engrossed for a third reading.

Mr. Hugunin moved, that when the council adjourn, it adjourn to meet to-morrow morning, at 10 o'clock;

Which was decided in the affirmative.

Mr. Barber gave notice, that on some future day he should introduce "A bill to provide for the election of county attorneys."

On motion of Mr. Hugunin,

The council adjourned.

SATURDAY, March 25, 1843.

The council met pursuant to adjournment.

The journal of the previous day having been read,

A message from the governor on executive nominations, was delivered by his private secretary, Mr. Charles Doty;

Which was read.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for your signature 'An act to authorize Henry Thien to build a dam on the Milwaukee river;' which has been signed by the speaker of the house of representatives.

And for the consideration of this house, a resolution concerning the meeting of the two houses in convention.

The governor has notified the house of representatives that he did, on the 21st instant, approve 'An act to organize certain towns therein named.'"

The president placed his signature to the act referred to in the message.

On motion of Mr. Crocker,

The message of the governor, on executive nominations, was taken up and referred to the committee on the judiciary.

Mr. Baker presented two accounts of J. T. Wilson, and moved their reference to the committee on territorial expenditures;

The motion was agreed to, and reference was made accordingly.

Mr. La Chapelle, of the joint committee to whom had been referred certain papers relating to the contract of Daniel Barker Esq., submitted a report;

Which was read, and

On motion of Mr. Strong,

The report was ordered to be printed. [SEE APPENDIX.]

Mr. Barber, pursuant to previous notice, introduced the following entitled bill:

No. 31, "A bill to provide for the election of county attorneys

Which was read the first and second time.

Mr. La Chapelle gave notice, that at some future day he should ask leave to introduce the following entitled bill:

"A bill to remove the seat of government from Madison, and also to provide for the removal of the library and furniture belonging to the territory."

Mr. La Chapelle submitted the following resolution, to wit:

Resolved, That a joint committee of two from each house be appointed to settle with Daniel Baxter for work done on the capitol.

The resolution from the house of representatives, relative to the meeting of the two houses in convention, was then taken up for consideration.

On motion of Mr. Barber,

The resolution was amended by inserting "one commissioner, one receiver, and one register, of the Milwaukee and Rock river canal."

On motion of Mr. Crocker,

The resolution was further amended by striking out "eleven o'clock, A. M." and inserting in lieu thereof the words "three o'clock, P. M."

The resolution, as amended, was then adopted.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in bill No. 21, (of this house)-entitled "A bill to authorize the construction of certain dams across Rock river," with amendments, in which the concurrence of the council is asked."

On motion of Mr. Crocker,

The report, papers, and the accompanying documents of the joint committee to which had been referred certain papers relative to the contract of Daniel Baxter, Esq., were ordered to be transmitted to the house of representatives.

The resolution relative to the appointment of a joint committee of the two houses to settle with Daniel Baxter, was then taken up, and,

On motion of Mr. Strong,

The same was amended by adding the following, to wit:

"And that they be authorized to report by bill or otherwise."

The resolution, as amended, was then adopted.

On motion of Mr. Strong,

The 30th rule of the council was suspended in relation to bill No. 30, entitled "A bill to repeal the fourth section of an act entitled 'an act to organize the county of St. Croix,' and to legalize the acts of certain officers in said county, and for other purposes;" and

On motion of Mr. Strong,

The council resolved itself into a committee of the whole for the consideration of said bill;

Mr. White in the chair.

After some time, the committee rose, and by their chairman reported back to the council said bill, without amendment.

The bill, on motion, was then ordered to be engrossed for third reading.

The following entitled bill was then taken up for consideration to wit :

No. 28, "A bill to legalize the official acts of James H. Lockwood."

On motion of Mr. La Chapelle,

The bill was laid upon the table.

Mr. Strong, from the committee on the judiciary, to which have been referred sundry executive nominations, submitted a report.

Mr. La Chapelle, from the committee on engrossment, reported the following entitled bills as correctly engrossed, to wit :

No. 20, "A bill to authorize the construction of a dam across the Rock river," and

No. 30, "A bill to repeal the fourth section of an act entitled 'an act to organize the county of St. Croix,' and to legalize the acts of certain officers in said county, and for other purposes."

On motion of Mr. Strong,

Ordered, that the council do proceed to the consideration of executive business.

The executive business having been disposed of,

On motion of Mr. Whiton,

The council resolved itself into a committee of the whole, for the consideration of the following entitled bill, to wit:

No. 27, "A bill to alter the territorial road from Beloit to Madison ;"

Mr. La Chapelle in the chair.

Pending the consideration thereof,

A message from the governor was announced, and the president having resumed the chair, the following message was received, to wit :

"To the Legislative Council:

I have approved and signed, a bill entitled 'An act to authorize Henry Thien to build and maintain a dam on the Milwaukee river,' and deposited it in the office of the secretary of the territory.

J. D. DOTY.

Executive Department,
Madison, March 25, 1843."}

The council resumed its session in committee of the whole.

After some time, the committee rose, and by their chairman reported that they had made progress in the matter under consideration, and asked leave to sit again.

Leave was accordingly given.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to acquaint this house, that seats have been prepared in the representatives' hall, for the reception of the council, preparatory to witnessing the destruction of certain canal bonds."

On motion of Mr. Strong,

The council then repaired to the representatives' hall, pursuant to a joint resolution of the two houses, to witness the destruction of certain canal bonds.

The council having returned from the representatives' hall,

Mr. Rountree gave notice, that at some future day he should ask leave to introduce the following entitled bill:

"A bill to amend an act entitled 'an act concerning costs and fees.'"

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in all the amendments of this house, to a resolution of the house of representatives concerning the meeting of the two houses in convention."

On motion of Mr. Strong,
The council adjourned to 3 o'clock, P. M.

THREE O'CLOCK, P. M.

A message from the governor on executive nominations, was delivered by his private secretary, Mr. Charles Doty;

Which was,

On motion of Mr. Crocker,
Referred to the committee on the judiciary.

Mr. Barber presented a petition from William B. Slaughter and others, praying for the vacation of the City of the Four Lakes and moved its reference to the committee on incorporations;

The motion was agreed to, and reference was made accordingly.

Mr. Baker, from the committee on engrossed bills, reported No. 30, "A bill to repeal the fourth section of an act entitled 'an act to organize the county of St. Croix,' and to legalize the acts of certain officers in said county, and for other purposes,"

As correctly engrossed.

Bill No. 30 was then taken up for consideration, and read the third time and passed;

And the title thereof agreed to.

The president being informed that seats had been prepared in the representatives' hall, preparatory for the meeting in joint convention of the two houses, for the election of certain territorial officers.

On motion of Mr. Strong,

The council then repaired to the representatives' hall for the purpose of the election aforesaid.

The council having returned from the representatives' hall;

Mr. Newland, the teller appointed on the part of the council at the joint convention of the two houses for the election of certain officers, submitted the following report, to wit:

"The whole number of votes cast in said convention, for acting canal commissioner, register, and receiver, was thirty-six; of which

Luther Parker, for acting canal commissioner, received twenty-one votes;

John Y. Smith, for acting canal commissioner, received one vote;

Joshua Hathaway, for receiver, received twenty-two votes;

Clinton Walworth, for register, received twenty-two votes;

Blank, thirteen votes;

Gov. Doty, one vote.

The whole number of votes cast in said convention for superintendent of territorial property, was thirty-six; of which,

John Y. Smith received, for superintendent of territorial property, twenty-two votes;

Blank, fourteen votes.

Luther Parker, Joshua Hathaway, Clinton Walworth, and John Y. Smith, having received a majority of all the votes cast, were declared duly elected to the respective offices for which they were nominated."

No. 29, "A bill relative to certain elections in the county of Jefferson;"

Was then taken up, and, on motion, said bill was read the third time and passed;

And the question being on agreeing to the title thereof,

On motion of Mr. Barber,

The title was amended, by striking out all after the words "A bill," and inserting in lieu thereof, the following: "to legalize certain township elections and the official acts of the township officers, elected in April, 1842;"

And the title, as amended, was agreed to.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in a resolution of this house, relative to the appointment of a joint committee of two from each house, to settle with Daniel Baxter; and have appointed under the same, on their part, Messrs. Crossman and Darling."

No. 16, "A bill to repeal certain acts and parts of acts, relative to the Milwaukee and Rock river canal;"

Was taken up; and the question being on agreeing to the amendments of the house of representatives to said bill;

The council refused to agree thereto.

Bill No. 20, "A bill for the preservation of deer in certain counties;"

Was then taken up, and read the third time;

And the question being on its passage;

Mr. Baker obtained the unanimous consent of the council to amend said bill by inserting the word "and" between the words "Racine Walworth," in the first section;

And then the bill was passed, and the title thereof agreed to.

Messrs. Strong and Hugunin were appointed of the joint committee of the two houses, on the part of the council, to settle the account of Daniel Baxter.

On motion of Mr. Strong,

The council adjourned until seven o'clock this evening.

SEVEN O'CLOCK, P. M.

Mr. Crocker, from the committee on the judiciary, to which has been referred sundry executive nominations, submitted a report.

On motion of Mr. Strong,

The council proceeded to the consideration of executive business.

The executive business having been disposed of,

Mr. Strong offered the following resolution, viz:

Resolved, That the president and secretary of the council be directed to give certificates to the members of the council for actual travel, in going to and returning from, and attendance at the several sessions of the legislative assembly, including the session commenced on the first Monday of December, 1842, and the several subsequent meetings or sessions.

A message from the governor, on executive business, was delivered by his private secretary, Mr. Charles Doty.

On motion of Mr. Crocker,

The message was read, and referred to the committee on the judiciary.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have receded from their amendments to bill No. 16, of this house, 'A bill to re

peal so much of the several acts of the legislative assembly of this territory, as authorize the sale of any portion of the lands granted to the territory by the act of congress of June 18th, 1838, to aid in the construction of the Milwaukee and Rock river canal, and to amend an act approved February 19th, 1841, supplementary to the several acts in relation to said canal;”

And have passed resolution No. 4, in relation to renting a certain room in the capitol to the county of Dane; in which the concurrence of this house is asked.”

On motion of Mr. Strong,

The resolution just offered relative to the certificate of members, was taken up for consideration.

Mr. Baker moved to amend said resolution, by adding at the end thereof, the following: “except for the session of 31st January, 1843;”

On which question, the ayes and noes were called, and were as follows:

Those who voted in the affirmative, were

Messrs. Baker, Barber, Crocker, Heath, Hugunin and Martin,
(Pres’t)—6.

Those who voted in the negative, were

Messrs. La Chapelle, Newland, Rountree, Strong, White and
Whiton—6.

So the motion was lost.

The question then recurred on the adoption of the resolution; and the resolution was adopted.

A message from the governor, on executive business, was delivered by his private secretary, Mr. Charles Doty.

Mr. Strong moved to lay the message on the table;

Which was disagreed to.

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: The house of representatives have passed a resolution, concerning the appointment of a joint committee, to inform the governor that the two houses are ready to terminate the present session; and have appointed on their part, Messrs. Walker and Platt, of said committee.”

On motion of Mr. Rountree,

Mr. Strong had leave of absence for one week.

The joint resolution No. 4, (H. of R.) relative to renting certain rooms in the capitol, accompanying the message from the house of representatives, was then taken up for consideration.

On motion of Mr. Newland,

The resolution was amended by inserting the following words, to wit: "that such lease may be revocable at such time as he shall think the public interest requires it."

The resolution was then adopted.

Mr. Baker gave notice, that at some future day he should ask leave to introduce a bill, entitled

"A bill to change the names of certain towns in Walworth county."

Mr. Whiton, of the committee on enrollment, reported

No. 16, "A bill to repeal so much of an act, supplementary to the several acts relating to the Milwaukee and Rock river canal, approved February 12th, 1841, and such other acts or parts of acts, as authorize the sale of any portion of the lands granted by the act of congress of the 18th June, 1838, and to amend the second section of an act approved February 19th, 1841, supplementary to the several acts in relation to the Milwaukee and Rock river canal;"

As correctly enrolled.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for your signature, 'An act to repeal so much of the several acts of the legislative assembly of Wisconsin territory, as authorize the sale of any portion of the lands granted to the territory by the act of congress of June 18th, 1838, to aid in the construction of the Milwaukee and Rock river canal, and to amend an act approved February 19th, 1841, supplementary to the several acts in relation to said canal;' which has been signed by the speaker of the house of representatives."

The president then placed his signature to the act mentioned in the above message.

Mr. Whiton of the committee on enrolled bills, submitted the following report:

"The committee on enrollment report, that they did on this

day present to his excellency the governor, for his approval, a bill entitled 'An act to repeal so much of an act supplementary to the several acts relating to the Milwaukee and Rock river canal, approved February 12th, 1841, and such other acts or parts of acts as authorize the sale of any portion of land granted by the act of congress of the 18th June, 1838, and to amend the second section of an act approved February 19th, 1841, supplementary to the several acts in relation to the Milwaukee and Rock river canal.

EDWARD V. WHITON,

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

The resolution of the house of representatives, relative to the appointment of a joint committee of the two houses, to wait upon the governor and inform him that the two houses are ready to terminate their present session, was taken up for consideration, and Messrs. Baker and Rountree were appointed of said committee, on the part of the council.

Mr. Baker, of the joint committee to wait upon the governor and inform him that the two houses were ready to terminate their present session, reported: that they had discharged the duty assigned them, and that the governor informed them that he had no further business to submit to them, only, that he had approved and signed "An act to repeal so much of an act supplementary to the several acts relating to the Milwaukee and Rock river canal," &c., and had deposited it in the office of the secretary of the territory.

Mr. Strong offered the following resolution, which was adopted, viz:

Resolved, That the secretary of the council be instructed to inform the house of representatives that the council is now ready to adjourn, *sine die*.

The president laid before the council a communication from the president of the Milwaukee and Rock river canal company, which,

On motion of Mr. Crocker,

Was referred to the committee on internal improvements.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house have concurred in the amendment of this house to resolution No. 4, (H. of R.) in relation to renting a certain room in the capitol to the county of Dane.

I have been directed to inform this house, that the house of representatives are now ready to adjourn, *sine die*."

Mr. Rountree offered the following resolution, which was adopted, viz:

Resolved, That the thanks of the council be tendered to the Hon. M. L. Martin, for the satisfactory manner in which he has performed the duties of president of the council.

On motion of Mr. Rountree,

The council adjourned, *sine die*.

JOURNAL
OF
THE COUNCIL;
OF THE

LEGISLATIVE ASSEMBLY OF WISCONSIN;
BEING THE SECOND SESSION THEREOF;

BEGUN and held at Madison, W. T., on Monday, the twenty-seventh day of March, in the year of our Lord one thousand eight hundred and forty-three; being the day fixed by law for holding a session.

On which day, at twelve o'clock, M., the council was called to order by the secretary, when the following members appeared and took their seats, viz:

From the district composed of the counties of Brown, Fond du Lac, Manitowoc, Portage, Calumet, Winnebago, Marquette and Sheboygan—MORGAN L. MARTIN.

From the district composed of the counties of Crawford and St. Croix—THEOPHILUS LA CHAPELLE.

From the district composed of the counties of Dane, Dodge, Green, Jefferson and Sauk—LUCIUS I. BARBER.

From the district composed of the county of Grant—JOHN H. ROUNTREE.

From the district composed of the counties of Milwaukee and Washington—HANS CROCKER, DAVID NEWLAND and LEMUEL WHITE.

From the district composed of the county of Racine—PETER D. HUGUNIN and CONSIDER HEATH.

From the district composed of the counties of Rock and Walworth—EDWARD V. WHITON and CHARLES M. BAKER.

On motion of Mr. Hugunin,

Mr. Martin was appointed president, *pro tempore*.

Mr. Crocker offered the following resolution:

Resolved, That the organization of the last session stand for the present session, and that all the officers then chosen, shall be, and they are hereby continued for this session;

Which was adopted.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to inform the council that the house of representatives are now organized and ready to proceed to business."

Mr. Rountree moved that the journal of the last day of the last session be read;

Which motion was,

On motion of Mr. Newland,

Laid on the table.

Mr. Crocker offered the following resolution:

Resolved, That the secretary inform the house of representatives that the council have organized, and elected the Hon. Morgan L. Martin, of Brown, as president;

Which was adopted.

Mr. Crocker offered the following resolution:

Resolved, by the council, the house concurring herein, that a joint committee of two from each house, be appointed to wait upon the governor, and inform him that quorums of the two houses have assembled, and are ready to receive any communication they may have to make to them;

Which was adopted.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to inform this house that the house of representatives have passed a resolution concerning the order of business to be done at the present session, and to request the concurrence of the council therein."

The resolution from the house of representatives, accompanying the message just received, relative to the order of business of the present session, was then taken up for consideration.

On motion of Mr. Baker,

The resolution was amended by striking out, in the 7th line, the words "adopted at," and inserting, "in force at the close of;"

The resolution was then adopted.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: I am directed to inform the council, that the Hon. Albert G. Ellis has been elected speaker of the house of representatives, for the present session, and that the said house of representatives have appointed Messrs. Hunkins and Hicks, of the committee on their part, under the resolution of this house relative to acquainting the governor of the organization of the two houses.

I am further directed to inform this house, that the house of representatives have concurred in the amendment of the council, to a resolution concerning the order of business to be done at the present session."

The president announced the appointment of Messrs. Crocker and Rountree, of the joint committee on the part of the council, under the resolution authorizing a joint committee of the two houses to wait upon his excellency the governor, and inform him that quorums of the two houses have assembled, and are ready to receive any communication he may have to make to them.

Ordered, that the secretary inform the house of representatives hereof.

Mr. Crocker, from the committee appointed to wait upon the governor, reported that they had performed the duty assigned them, and that the governor replied that he would send them a message, in writing, immediately.

The following message was received from the governor, by his private secretary, Mr. Charles Doty, viz:

Gentlemen of the Council,

and House of Representatives:

I respectfully invite your attention to the various subjects presented in my message of the 6th instant, which have not already received your consideration; and renew the assurance that I shall cheerfully co-operate with the assembly in all such measures as may be proposed for the public good, and upon which, by the acts of congress, we have the right to legislate.

The supreme court of the United States has lately decided, that the laws in force when a contract is made, become a part of the contract, without any express stipulation to that effect, and any subsequent law impairing the rights thus acquired, impairs the obligation which the contract imposed. I submit to the assembly, whether there is any law of the territory which conflicts with this decision, and which may therefore require amendment.

I avail myself of this occasion to remark, that I consider the appointment of *civil officers* of the territory, by the council and house of representatives, the exercise of an authority not granted by the acts of congress; and being an encroachment upon the powers of the executive, it will become my duty to resist it by such means as the constitution has provided for the executive to protect itself.

J. D. DOTY.

Executive Department,
Madison, March 27, 1843." }

Mr. Newland presented

A petition from the citizens of the town of Warren;

And, on motion, it was referred to the committee on incorporations.

Mr. Newland presented

A communication from G. W. Skinner;

Which was referred to the joint select committee on town government.

Mr. Baker, in accordance with previous notice given, introduced bill

No. 32, "A bill to change the names of certain towns in Worth county;"

Which was read the first and second time.

Mr. La Chapelle, in accordance with previous notice given, introduced bill

No. 33, "A bill to remove the seat of government from Madison, and also to provide for the removal of the library and furniture belonging to the territory;"

Which was read the first and second time.

Bill No. 9, (H. of R.) "A bill to amend an act entitled an act to provide for the printing and distribution of the laws of Wisconsin"

Also, bill No. 4, (H. of R.) "A bill concerning road taxes;"

Also, bill No. 16, (H. of R.) "A bill to authorize Levi Godfrey, Philo Belden, and Hiland S. Hulbert, to build and maintain a dam on Fox river;"

Also, bill No. 13, (H. of R.) "A bill in relation to the duties of certain territorial officers;"

Were severally read the first and second time.

On motion of Mr. Crocker,

The council resolved itself into a committee of the whole for the consideration of bill No. 15, (H. of R.) entitled "A bill to amend an act entitled an act to incorporate the village of Racine;"

After some time, the committee rose and by their chairman reported said bill with an amendment, in which they asked the concurrence of the council;

Which amendment was concurred in by the council.

On motion of Mr. Whiton,

The bill was then ordered to be engrossed.

On motion of Mr. Baker,

The council resolved itself into a committee of the whole for the consideration of bill No. 32, entitled "A bill to change the names of certain towns in Walworth county;"

And after some time the committee rose and reported the bill without amendment.

On motion of Mr. Baker,

All rules that would prevent the reading of said bill the third time now, were suspended so far as said bill was concerned;

The bill was then read the third time and passed,

And the title thereof agreed to.

Mr. Whiton presented an account of Porter M. Potter;

Which was referred to the committee on legislative expenditures.

On motion of Mr. Baker,

The council adjourned.

TUESDAY, March 28, 1843.

The council met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The journal of the previous day having been read,

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in all the amendments of this house to bill No. 15, (H. of R.) 'A bill to amend an act entitled, an act to incorporate the village of Racine.'

I have been directed to present for the concurrence of the house No. 12, 'A bill supplementary to an act entitled an act concerning judgments and executions;'

And to request that the council transmit to the house of representatives all petitions relative to a division of the town of Troy.

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

On the 25th instant, I approved and signed a bill entitled 'An act to repeal so much of an act, supplementary to the several acts relating to the Milwaukee and Rock river canal, approved February 12th, 1841, and such other acts or parts of acts, as authorize the sale of any portion of the lands granted by the act of congress of the 18th June, 1838, and to amend the second section of an act approved February 19th, 1841, supplementary to the several acts in relation to the Milwaukee and Rock river canal, and have to-day deposited it in the office of the secretary of the territory.

J. D. DOTY.

Executive Department,
Madison, March 27, 1843." }

The president announced that the standing committees appointed for the last session, would remain the same for the present session.

Mr. Whiton, on leave, offered the following resolution:

Resolved, That the secretary of the council be directed to inform the house of representatives, that a bill entitled "A bill to

amend an act entitled 'an act to incorporate the village of Racine,' has not passed the council, and that the return of said bill to the house of representatives was in consequence of a mistake; Which was adopted.

Mr. Hugunin presented

A petition from the citizens of the town of Southport, in the county of Racine, praying for a division of said town;

And moved its reference to the committee on incorporations.

The motion was agreed to, and reference was made accordingly.

Mr. Rountree, in accordance with previous notice, by leave, introduced the following entitled bill, to wit:

No. 34, "A bill to amend an act concerning costs and fees;"

Which was read the first and second time.

On motion of Mr. Barber,

The 26th rule of the council was suspended, which requires one day's previous notice to be given before the introduction of any bill, so far as the bill he proposed to introduce was concerned:

And then, by leave, introduced the following entitled bill, viz:

No. 35, "A bill relating to Dodge county;"

Which was read the first and second time.

On motion of Mr. Barber,

The 30th rule of the council, so far as bill No. 35 was concerned was suspended.

Mr. Whiton offered the following resolution:

Resolved, That all matters which were referred, at the last session, to select committees, and from the consideration of which the said committees have not been discharged, be still considered by said committees, and that the said committees remain the same as at the last session;

Which was adopted.

Bill No. 26, "A bill to amend an act of the statutes of Wisconsin, relating to the militia;"

Was taken up for consideration.

The council resolved itself into a committee of the whole for the consideration of said bill No. 26;

Mr. Hugunin in the chair.

After some time, the committee rose and reported back to

the council said bill with an amendment, in which they asked the concurrence of the council.

The amendments were concurred in by the council,

And the bill ordered to be engrossed for a third reading.

On motion of Mr. Baker,

The secretary of the council was directed to transmit all petitions relative to a division of the town of Troy, in Walworth county, to the house of representatives, agreeably to their request.

Bill No. 35, "A bill relative to Dodge county;"

Was then taken up for consideration.

On motion of Mr. Barber,

The council resolved itself into a committee of the whole for the consideration of said bill;

Mr. White in the chair.

After some time spent therein, the committee rose and reported back to the council said bill without amendment.

On motion of Mr. Barber,

All rules that would prevent the reading of said bill the third time now, were suspended, so far as said bill was concerned.

The bill was then read the third time and passed,

And the title thereof agreed to.

Bill No. 31, "A bill to provide for the election of county attorneys;"

Was then taken up for consideration.

On motion of Mr. La Chapelle,

The council resolved itself into a committee of the whole for the consideration of said bill;

Mr. Newland in the chair.

Pending the consideration of the same, the chief clerk of the house of representatives was announced; when the president assumed the chair, and the following message was received, viz:

"Mr. President: The house of representatives have reconsidered its vote, by which the amendments of this house to bill No. 15, entitled 'A bill to amend an act to incorporate the village of Racine,' were concurred in, and I have been directed, in accordance with a request of this house, to return the said bill for the consideration of the council."

The council then resumed its session in committee of the whole

After some time, the committee rose and by their chairman reported said bill with an amendment, in which they asked the concurrence of the council.

The question then being, "Will the council concur in the amendment of the committee of the whole?"

Mr. White moved that the bill be laid upon the table, and the amendment printed;

Which was disagreed to.

Mr. Crocker moved that the council reconsider its vote, by which the council refused to lay said bill upon the table, and order the amendment printed;

Which was agreed to.

The question then recurred on the motion of Mr. White, to lay the bill upon the table, and order the amendment to be printed;

Which was agreed to.

On motion of Mr. Hugunin,

The council adjourned to 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Whiton, from the committee on enrolled bills, reported Bill No. 9, "A bill to legalize the proceedings of the inhabitants of Winnebago county, in the organization of said county,"

As correctly enrolled.

On motion of Mr. Whiton,

Bill No. 21, "A bill to authorize the construction of a dam across the Rock river;"

Was then taken up for consideration.

The question then being, "Will the council concur in the amendments of the house of representatives?"

Mr. Whiton moved to amend the last amendment of the house of representatives, by striking out the following words: "thirty-six, or within eighty rods of said section thirty-six," and inserting in lieu thereof the following words: "within eighty rods of the north line of said section thirty-six," and between the words "or" and "thirty-five," inserting the following words: "and said section,"

Which amendments were adopted.

The question then recurred on concurring in the amendments of the house of representatives, as amended by the council;

It was determined in the affirmative, and the amendments concurred in.

On motion of Mr. Hugunin,

Bill No. 15, (H. of R.) "A bill to amend an act incorporating the village of Racine;"

Was taken up for consideration.

On motion of Mr. Hugunin,

The council resolved itself into a committee of the whole for the consideration of said bill;

Mr. Rountree in the chair.

After some time spent therein, the committee rose and reported back to the council said bill with an amendment, in which they asked the concurrence of the council.

The council concurred in the amendment,

And the bill was then ordered to a third reading.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for your signature 'An act to legalize the proceedings of the inhabitants of Winnebago county, in the organization of said county;' which has been signed by the speaker of the house of representatives."

The president then placed his signature to the act mentioned in the above message.

On motion of Mr. Hugunin,

Bill No. 15, (H. of R.) "A bill to amend an act incorporating the village of Racine;"

Was taken up; and said bill was then read the third time and passed;

And the question being on agreeing to the title of the same,

Mr. Whiton moved to amend the title, by striking out all after the words "A bill to," and inserting the following: "authorize the village of Racine to raise money, and for other purposes;"

Which was decided in the affirmative,

And the title, as amended, was agreed to.

Bill No. 13, (H. of R.) "A bill in relation to the duties of certain territorial officers;"

Was then taken up for consideration.

On motion of Mr. Newland,

The council resolved itself into a committee of the whole, for the consideration of said bill;

Mr. Heath in the chair.

And after some time the committee rose and reported the bill back to the council with amendments, in which they asked the concurrence of the council;

The amendments were concurred in by the council,

And the bill, on motion, ordered to a third reading.

Mr. Newland moved that the bill be read the third time now;

The motion was agreed to; and

The bill was then read the third time and passed,

And the title thereof agreed to.

On motion of Mr. Hugunin,

Bill No. 16, (H. of R.) "A bill to authorize Levi Godfrey, Philo Belden and Hiland S. Hulburt, to build and maintain a dam on Fox river;"

Was taken up; and, on motion,

The bill was then read the third time and passed,

And the title thereof agreed to.

Mr. La Chapelle, from the committee on engrossed bills, reported the following entitled bill as correctly engrossed, to wit:

Bill No. 26, "A bill to amend an act of the statutes of Wisconsin, relating to the militia."

Mr. Rountree offered the following resolution:

Resolved, by the council, the house of representatives concurring herein, that the committee on legislative expenditures be directed to report an appropriation bill for the expenses of the session of the assembly, closing on the 25th instant;

Which was adopted.

On motion of Mr. Whiton,

Bill No. 24, "A bill to authorize Clauden Stoughton and Luke Stoughton, to build and maintain a dam across the Rock river; and also, to authorize Anson W. Pope and Virgil Pope to build and maintain a dam across said river;"

Was then taken up.

On motion of Mr. Whiton,

The council resolved itself into a committee of the whole for the consideration of said bill;

Mr. Crocker in the chair.

After some time spent therein, the committee rose, and reported back to the council said bill with amendments, in which they asked the concurrence of the council;

The amendments were concurred in by the council,

And the bill ordered to be engrossed for a third reading.

On motion of Mr. Crocker,

Bill No. 26, "A bill to amend an act of the statutes of Wisconsin, relating to the militia;"

Was taken up for consideration;

And the question being, "Shall the bill be read the third time?"

Mr. La Chapelle moved to amend said bill, in the second section, by striking out the words "the same," before the word "governor;"

Which was agreed to.

Mr. Crocker moved to fill the blank in said bill, with the words "Monday of August;"

Which was agreed to.

The bill was then read the third time and passed;

And the question being on agreeing to the title,

Mr. La Chapelle moved to amend the same, by striking out after the words, "A bill," and inserting the following, "to repeal the several acts concerning the militia, and for other purposes;"

Which was decided in the affirmative,

And the title, as amended, was agreed to.

Bill No. 6, "A bill to authorize the register of deeds of Washington county to procure copies of certain records in the office of the register of deeds of Milwaukee county;"

Was taken up;

And the question being on concurring in the amendments of the house of representatives to said bill,

It was decided in the negative,

And the amendments were not concurred in.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have passed the

following resolution, in which the concurrence of this house is asked, to wit:

Resolved, That the committee appointed to revise the laws relative to township government, be instructed to provide by law for creating new towns, and for altering town boundaries.'"

On motion of Mr. Crocker,

The above resolution, accompanying the message from the house of representatives, was taken up and concurred in by the council.

On motion of Mr. Crocker,

The council adjourned.

WEDNESDAY, March 29, 1843.

The council met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The journal of the previous day having been read,

Mr. Heath presented the following petitions, and, on his motion, they were referred to committees, as follows, viz:

A petition from citizens of the village of Racine, praying for the laying out and establishing of a territorial road from Racine to Burlington;

Referred to the committee on territorial roads.

A petition from citizens of Racine county, praying for a change of the corporate limits of the town of Racine;

Referred to the committee on incorporations.

A petition from the citizens of the towns of Paris and Mount Pleasant, praying that a certain portion of the town of Paris be set off and added to the town of Mount Pleasant;

Referred to the committee on incorporations.

A petition from the citizens of the town of Mount Pleasant, praying for the legalizing of the assessment of taxes in said town;

Referred to the committee on the judiciary.

A message from the governor, on executive business, was delivered by his private secretary, Mr. Charles Doty;

Which was read, and,

On motion of Mr. Crocker,

The message was referred to the committee on the judiciary.

Mr. La Chapelle, from the committee on engrossment, reported the following entitled bills as correctly engrossed, to wit:

No. 24, "A bill to authorize Clauden Stoughton and Luke Stoughton to build and maintain a dam across the Rock river, and also to authorize Anson W. Pope and Virgil Pope to build and maintain a dam across said stream;" and

No. 29, "A bill relative to certain elections in the county of Jefferson."

Bill No. 12, "A bill to amend 'an act to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession to said lands,' approved January 4th, 1840,"

Was then taken up and read the third time.

Mr. Barber obtained the unanimous consent of the council to amend said bill as follows: strike out section 5, and insert the following:

"Section 5. Section thirteen of an act entitled 'an act supplementary to the several acts relating to the Milwaukee and Rock river canal,' approved 12th February, 1841, shall not apply to, be enforced against, any settlers on the lands appropriated by congress to aid in the construction of said canal, agreeably to the provisions of this act."

The bill was then passed, and the title thereof agreed to.

Bill No. 24, "A bill to authorize Clauden Stoughton and Luke Stoughton to build and maintain a dam across Rock river, and also to authorize Anson W. Pope and Virgil Pope to build and maintain a dam across said stream," was then taken up;

And the question being, "Shall the bill be read a third time?"

Mr. Whiton moved that said bill be recommitted to the committee on engrossment;

Which was agreed to.

Bill No. 29, "A bill relative to certain elections in the county of Jefferson," was taken up;

And, on motion, said bill was read the third time and passed;
And the question being on agreeing to the title of the same,
On motion of Mr. Barber,

The title was amended by striking out the words, "in the county of Jefferson."

And then the title, as amended, was agreed to.

On motion of Mr. Newland,

The following entitled bill was considered in committee of the whole;

No. 9, (H. of R.) "A bill to amend an act to provide for the printing and distribution of the laws of Wisconsin;"

Mr. Barber in the chair.

After some time spent therein, the committee rose and reported said bill back to the council with amendments, in which they asked the concurrence of the council;

The amendments were concurred in by the council.

On motion of Mr. Barber,

The bill was then referred to the committee on the judiciary.

Mr. La Chapelle, from the committee on engrossed bills, reported the following entitled bill as correctly engrossed:

No. 24, "A bill to authorize Clauden Stoughton and Luke Stoughton to build and maintain a dam across Rock river; and, also, to authorize Anson W. Pope and Virgil Pope to build and maintain a dam across said stream."

The bill was then read the third time,

And the question being on the passage of the same,

Mr. Whiton obtained the unanimous consent of the council to add the following section, to wit:

"Section 7, This act may at any time be amended or repealed by the legislature."

The bill was then passed, and the title thereof agreed to.

On motion of Mr. White,

The following entitled bill was taken up for consideration:

No. 28, "A bill to legalize the official acts of James H. Lockwood;"

And the question being on ordering the bill to be engrossed for third reading;

Mr. Whiton moved to amend the first section of said bill, by

inserting the word "heretofore," between the words "Lockwood," and "performed," in the second line,

Which was agreed to.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Whiton,

The committee on the judiciary, to which had been referred the message of the governor on executive nominations, were discharged from the further consideration of said message.

On motion of Mr. Whiton,

The council proceeded to the consideration of executive business.

The executive business having been disposed of,

Mr. Crocker, in accordance with previous notice given, introduced the following entitled bill:

No. 36, "A bill to repeal an act entitled an act to amend an act entitled an act to prescribe the mode of proceeding in chancery, and for other purposes, approved 13th January, 1840;"

Which was read the first and second time.

On motion of Mr. Crocker,

The 30th rule of the council was suspended, so far as the bill just introduced was concerned.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in the amendments of this house to the amendment of the house of representatives to bill No. 25, (C.) 'A bill to authorize the construction of certain dams across the Rock river;'

"And in the amendment of this house to bill No. 16, (H. of R. file) 'A bill to authorize Levi Godfrey, Philo Belden, and Hilbert S. Hulbert, to build and maintain a dam on Fox river;' and in bill No. 35, (of this house) 'A bill relating to Dodge county,' with an amendment, in which the concurrence of the council is asked.

"The house of representatives have also concurred in the amendments of this house to bill No. 13, (H. of R. file) 'A bill in relation to the duties of certain territorial officers;' and in a resolution of this house, directing the committee on legislative expenditures to report an appropriation bill, including the expenses of the last session; and have insisted on their amendment to bill

No. 6, (C. file,) 'A bill to authorize the register of deeds of Washington county to procure copies of certain records from the office of register of deeds of Milwaukee county,' and appointed Messrs. Walker and Hunkins a committee of conference, to act with a similar committee which may be appointed by this house, to which it is proposed to refer the said disagreement. A conference therefore is requested.

"I am directed to present for the signature of the President, 'An act to authorize Levi Godfrey, Philo Belden and Hiland S. Hulburt, to build and maintain a dam on Fox river.'"

The President then signed the act requiring his signature, referred to in the above message.

Bill No. 35, accompanying the message from the house of representatives, just received, was then taken up;

And the amendments of the house of representatives to the amendments of the council, were concurred in.

On motion of Mr. Hugunin,

The council adjourned.

EXECUTIVE JOURNAL.

WEDNESDAY, March 29, 1843.

On motion of Mr. Whiton,

Ordered, That the council advise and consent to the appointment of James H. Knowlton, to be a Justice of the Peace, for the county of Rock.

On motion of Mr. Rountree,

Ordered, That the council advise and consent to the appointment of Moses W. Darnell and Edward Sprague, to be Justices of the Peace; and Britton Bushee, to be an Auctioneer, for the county of Grant.

On motion of Mr. Barber,

Ordered, That the council advise and consent to the appointment of George F. Markley, to be a Supreme Court Commissioner, for the county of Jefferson.

THURSDAY, March 30, 1843.

The council met pursuant to adjournment:

Prayer by the Rev. Mr. Clark.

The journal of the previous day having been read,

Mr. Whiton presented a petition from John Stark and others, praying for the annexation of certain lots to the town of Janesville,

Which, on motion, was referred to the committee on incorporations.

Mr. Crocker offered the following resolution, which was adopted, to wit:

Resolved, That his excellency, the governor, be requested to communicate to the council copies of estimates submitted to the Treasury Department for the support of the government of the territory of Wisconsin, for the half year ensuing 30th June, 1843, and also for the half year ending 30th June, 1844.

Mr. Whiton, from the committee on incorporations, to which had been referred certain petitions, reported the following entitled bills, to wit:

No. 37, "A bill to annex certain lands to the town of Mount Pleasant;"

No. 38, "A bill to vacate the City of the Four Lakes;"

Which were severally read the first and second time.

On motion of Mr. Whiton,

The 30th rule of the council was suspended so far as said bills were concerned.

Mr. Whiton, from the committee on enrolled bills, reported the following as correctly enrolled, to wit:

"An act to change the boundaries of certain towns there named;" and,

"An act to authorize the construction of certain dams across the Rock river."

Mr. La Chapelle, from the committee on engrossment, reported the following entitled bill as correctly engrossed, viz.

No. 28, "A bill to legalize the official acts of James H. Lockwood."

Mr. Newland, from the committee on legislative expenditures

to which had been referred certain petitions of the sheriffs of the counties of Brown and Crawford, submitted a report;

And then moved to be discharged from the further consideration of certain accounts of Robert Douglass and I. W. Bird, which had been referred to said committee.

The motion was agreed to, and the committee discharged.

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

To the Legislative Council:

I have this day approved and signed 'An act to legalize the proceedings of the inhabitants of Winnebago county, in the organization of said county,' and deposited it in the office of the secretary of the territory.

J. D. DOTY.

Executive Department,
Madison, March 29, 1843." }

No. 28, "A bill to legalize the official acts of James H. Lockwood," was taken up;

On motion, said bill was read the third time and passed;

And the title thereof was then agreed to.

On motion of Mr. La Chapelle,

Bill No. 33, "A bill to remove the seat of territorial government, and for other purposes," was taken up for consideration.

On motion of Mr. Barber,

The bill was laid upon the table, and made the special order for Tuesday next, and each succeeding day until the same be disposed of.

Mr. Baker, from the joint select committee on township government, had leave to report the following entitled bill, viz:

No. 39, "A bill to amend an act to provide for the government of the several towns in this territory, and for the revision of the county government;"

Which was read the first and second time.

Mr. Whiton of the committee on enrolled bills, submitted the following report:

"The committee on enrollment report, that they did, on yesterday, present to his excellency the governor, for his approval, a bill entitled 'An act to legalize the proceedings of the inhabitants

of Winnebago county, in the organization of said county;’ also, a bill entitled ‘An act to authorize Levi Godfrey, Philo Belden and Hiland S. Hulburt, to build and maintain a dam on Fox river.’

EDWARD V. WHITON,

Chairman of the committee on the part of the council,

ROBERT M. LONG,

Chairman of the committee on the part of the house.”

The following entitled bill was then taken up for consideration viz:

Bill No. 27, “A bill to alter the territorial road from Beloit to Madison;”

On motion of Mr. Rountree,

The bill was laid on the table.

On motion of Mr. Crocker,

Bill No. 31, entitled “A bill to provide for the election of county attorneys;”

Was then taken up for consideration;

And the question being on concurring in the amendment of the committee of the whole to said bill,

On motion of Mr. La Chapelle,

The amendment of the committee of the whole was amended by striking out the word “revised,” in the first line of the second section of said bill.

Mr. Barber moved to amend the amendment of the committee of the whole, by adding, as follows:

“Section 3. The second and third sections of the act of the legislature, entitled ‘An act concerning the attorney general and district attorneys,’ are hereby repealed, and the compensation of the attorney general shall be such as the legislative assembly may from time to time allow.”

And the ayes and noes being called, the result was as follows to wit:

Those who voted in the affirmative, were

Messrs. Baker, Barber, Heath, Hugunin, and Rountree—5.

Those who voted in the negative, were

Messrs. Crocker, La Chapelle, Newland, White, Whiton, and Martin, (Pres’t,)—6.

So the amendment was lost.

Mr. Hugunin moved to further amend the amendment of the committee of the whole, by inserting in the eighth line of the first section, after the word "determine," the following: "provided that the amount allowed by any board of county commissioners or supervisors to such attorney or attorneys, shall not exceed the fees allowed by law for similar services;" also, in the same section, by striking out the word "provided," and inserting the words, "and provided further;"

Which amendment was disagreed to.

The amendments of the committee of the whole, as amended, were then concurred in by the council.

And the question then being on ordering the bill to be engrossed for a third reading;

And the ayes and noes being called, the result was as follows, viz:

Those who voted in the affirmative, were
Messrs. Baker, Crocker, La Chapelle, Newland, White, Whiton, and Martin, (Pres't,)—7.

Those who voted in the negative, were
Messrs. Barber, Heath, Hugunin, and Rountree—4.

So the bill was ordered to be engrossed for a third reading.

Bill No. 12, (H. of R.) "A bill supplementary to an act entitled an act concerning judgments and executions;"

Was then taken up.

On motion of Mr. Crocker,

The council resolved itself into a committee of the whole for the consideration of said bill;

Mr. Whiton in the chair.

And after some time the committee rose and reported the bill back to the council with an amendment, in which they asked the concurrence of the council.

Mr. Rountree moved to amend the amendment of the committee of the whole, by striking out the word "provided;"

Which was agreed to.

The amendments of the committee of the whole, as amended, were concurred in by the council.

The question then being on ordering the bill to be engrossed for a third reading,

And the ayes and noes being called for, the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. Heath, Newland, Rountree, and Martin, (Pres't,)—4.

Those who voted in the negative, were

Messrs. Barber, Crocker, Hugunin, La Chapelle, White, and Whiton—6.

So the council refused to order the bill to a third reading.

The following message from the governor, was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

In compliance with a resolution of the council of this day, a copy of the estimates submitted to the Treasury Department, by the governor of this territory, for the support of government in Wisconsin, for the half year ending June 30th, 1843, is herewith submitted.

J. D. DOTY.

Executive Department, }
Madison, March 30, 1843." }

On motion of Mr. Crocker,

The message and accompanying documents were referred to the committee on territorial affairs.

On motion of Mr. White,

The council adjourned to 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The president laid before the council a communication from the superintendent of territorial property;

Which was read; and,

On motion of Mr. Crocker,

Was referred to the committee on the judiciary.

Mr. Crocker, from the committee on territorial affairs, to which had been referred the communication of the governor, of this day relative to the estimate of expenses of the legislative assembly submitted the following resolution:

Resolved, That the committee on territorial affairs, to whom was referred the communication of the governor, containing copies

of certain estimates by him submitted to the Treasury Department, be instructed to report the amount contained in said communication of its estimated expenses of the legislative assembly for the years 1842 and 1843; whether said estimates are correct, and if not, what measures should be adopted by the legislative assembly to present a proper estimate of the expenses to the Treasury Department; together with such other measures, appertaining to the subject submitted to them, as they may think proper;"

Which resolution, on motion, was adopted.

Mr. Crocker moved, that a committee of conference be appointed on the part of the council, on the disagreement of the two houses relative to bill No. 6, "A bill to authorize the register of deeds of Washington county to procure copies of certain records in the office of register of deeds of Milwaukee county."

The motion was agreed to, and

Messrs. Crocker and Newland were appointed to be of said committee.

Mr. Whiton, from the committee on enrolled bills, reported as follows:

"The committee on enrollment report, that they did on this day present to his excellency the governor, for his approval, a bill entitled 'An act in relation to the duties of certain territorial officers;' also, a bill entitled 'An act to authorize the village of Racine to raise money, and for other purposes.'"

On motion of Mr. Whiton,

Bill No. 29, (C.) "A bill to legalize certain township elections, and the official acts of township officers elected in April, 1842," was taken up,

And the amendments of the house of representatives were considered in by the council.

Mr. Crocker, from the committee of conference, to which was referred the disagreement of the two houses on bill No. 6, (C.) reported as follows:

"The committee of conference on the disagreeing vote of the two houses on council bill No. 6, recommend that the house recede from their amendment, and that between the word "him" and "the," in section five, be inserted, "and for arranging and

preparing an alphabetical index to the records by him copied;"

Which report was concurred in by the council.

Mr. Whiton, from the committee on the judiciary, to which has been referred the communication of the superintendent of territorial property, submitted a report from said committee.

On motion of Mr. Whiton,

The council resolved itself into a committee of the whole, for the consideration of bill No. 37, "A bill to annex certain lands to the town of Mount Pleasant;"

Mr. White in the chair.

After some time the committee rose, and reported said bill with an amendment, in which they asked the concurrence of the council.

The question being on concurring in the amendments of the committee of the whole,

Mr. Whiton moved to amend the amendment of the committee by inserting the word "shall," between the words "river" and "the

Which was agreed to.

The amendments of the committee of the whole, as amended were concurred in by the council.

On motion of Mr. Hugunin,

The bill was laid on the table.

Mr. La Chapelle, from the committee on territorial roads, reported

Bill No. 40, "A bill to authorize the laying out and establishing a territorial road from Racine to Burlington, in Racine county"

Which was read the first and second time.

Mr. Baker had leave to introduce the following resolution:

Resolved, by the council and house of representatives, that the superintendent of territorial property be directed not to receive the stationery, &c., in the library, which Messrs. J. & L. W. claim to have been purchased of them by Almon Lull, late librarian, for the use of the legislature;

Which was adopted.

On motion of Mr. Whiton,

The council resolved itself into a committee of the whole, for the consideration of bill No. 38, entitled "A bill to vacate the City of the Four Lakes;"

Mr. Barber in the chair.

After some time the committee rose, and reported back to the council said bill without amendment.

The question then being—"Shall the bill be engrossed for a third-reading?"

Mr. Barber moved to amend said bill by striking out the word "vacant," and inserting in lieu thereof, "vacated," in the third line of the first section;

Which was agreed to.

On motion of Mr. La Chapelle,
The bill was laid upon the table.

On motion of Mr. Hugunin,
Bill No. 37, entitled "A bill to annex certain lands to the town of Mount Pleasant, in the county of Racine;"

Was taken up for consideration;

On motion, said bill was then ordered to be engrossed for a third reading.

On motion of Mr. White,
The council adjourned.

FRIDAY, March 31, 1843.

The council met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The journal of the previous day having been read and corrected;

The President laid before the council a communication from John V. Ingersoll, secretary of the council, containing his resignation of said office.

On motion of Mr. Newland,

The resignation of Mr. Ingersoll was accepted.

Mr. Newland offered the following resolution, which was adopted, viz :

Resolved, That John P. Sheldon is hereby appointed secretary

of the council for the remainder of the present session of the legislative assembly, unless otherwise ordered by the council.

The sergeant-at-arms was directed to inform Mr. Sheldon of his appointment;

Thereupon Mr. Sheldon appeared, and was duly sworn by the President as secretary of the council.

Mr. Newland presented the accounts of Josiah A. Noonan, Lester H. Cotton, and Jefferson Kinney, for witness fees in attending suits in Walworth county, in behalf of the territory;

Also, an account of Josiah A. Noonan, for printing military notices;

Which were referred to the committee on territorial expenditures.

Mr. Barber presented a petition of citizens of Manitowoc county, praying the amendment of the existing laws relative to milldams on the Manitowoc river;

Which was referred to the committee on incorporations.

Mr. Crocker presented a memorial from the president and trustees of the town of Milwaukee, praying for the alteration of their charter;

Which was referred to the committee on incorporations.

Bill No. 34, "A bill to amend an act concerning costs and fees," was taken up for consideration.

On motion of Mr. Rountree,

The council resolved itself into a committee of the whole for the consideration of said bill;

Mr. Newland in the chair.

Pending the consideration thereof, the clerk of the house of representatives being announced, the president resumed the chair, and the following message was received, to wit:

"Mr. President: The house of representatives have concurred in all the amendments of this house to bill No. 9, (H. of R.) 'A bill to provide for the punishment of embezzling public money,'

And in bills of this house, with an amendment to each, as follows:

No. 15, 'A bill to regulate the fees of clerks in cases of naturalization;' and

No. 18, 'A bill to provide for the election of a territorial printer,'

In which amendments the concurrence of the council is asked.

I am directed to present for the signature of the president of the council, the following bills, which have been signed by the speaker of the house of representatives:

'An act to change the boundaries of certain towns therein named;'

'An act to authorize the construction of certain dams across the Rock river;'

And for the concurrence of this house, to the following, viz:

No. 20, 'A bill for the collection of certain taxes in the county of Milwaukee;'

No. 8, 'A bill to establish a territorial road from Prairie du Chien to Lake Superior;'

No. 11, 'A bill for an act to amend an act entitled an act regulating taverns and groceries.'

I am further directed to inform this house, that the governor has notified the house of representatives that he did on the 29th inst. approve 'An act to authorize Levi Godfrey, Philo Belden, and Hiland S. Hulburt, to build and maintain a dam on Fox river;' and that he did on the 30th inst. approve 'An act in relation to the duties of certain territorial officers,' and 'An act to authorize the village of Racine to raise money, and for other purposes;'

And that the house of representatives have indefinitely postponed bill No. 20, (C.) entitled 'A bill for the preservation of deer in certain counties.'"

The president signed the bills referred to in the above message as requiring his signature.

The council then resumed its session in committee of the whole, and after some time the committee rose and reported said bill back to the council, and asked to be discharged from the further consideration thereof;

And the committee were discharged.

Mr. La Chapelle moved that said bill be referred to a select committee;

Mr. Rountree moved to amend the motion, by striking out the words "select committee," and inserting in lieu thereof, the words "judiciary committee."

The question being taken on the motion to amend,

The same was disagreed to.

The question then recurring on the motion to refer said bill to a select committee,

It was decided in the affirmative; and

Messrs. La Chapelle, Rountree and Crocker were appointed said committee.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have passed a resolution with the following title, to wit:

No. 4, "A resolution relative to furnishing the governor's and secretary's office with wood;"

In which the concurrence of this house is asked;

And have concurred in a resolution of this house directing the superintendent of territorial property not to receive certain stationery now in the library."

Resolution No. 4, referred to in the above message, was then taken up for consideration; and,

On motion of Mr. Baker,

It was laid on the table.

Bill No. 15, "A bill to regulate the fees of clerks in cases of naturalization,"

Was then taken up; and,

The question being on concurring in the amendments of the house of representatives to said bill;

Mr. Crocker moved to amend the amendments of the house of representatives, by striking out the word "third," in the second line of the ninth section, and inserting in lieu thereof, the word "fifth;"

Which was agreed to;

And then the amendments of the house of representatives, amended, were concurred in.

On motion of Mr. Whiton,

The council adjourned to 3 o'clock, P. M.

THREE O'CLOCK, P. M.

No. 36, "A bill to repeal an act entitled an act to amend an act entitled an act to prescribe the mode of proceeding in chancery, and for other purposes, approved 13th January, 1840;"

Was then taken up for consideration; and,

On motion of Mr. Crocker,

The bill was laid on the table.

Mr. Crocker presented an account of Josiah A. Noonan, for printing proposals for completing the capitol;

Which was referred to the committee on territorial expenditures.

Mr. Crocker, from the committee on the judiciary, to which had been referred the governor's message and accompanying estimates for the legislative expenses, submitted a report;

Which was read; and

On motion of Mr. Whiton,

The report was laid upon the table, and two hundred copies ordered to be printed. [SEE APPENDIX.]

Mr. Baker, from the committee on legislative expenditures, reported the following entitled bills, to wit:

No. 41, "A bill to provide for the payment of the expenses of the legislative assembly therein named;" and

No. 42, "A bill to provide for the payment of the expenses of the legislative assembly, ending the 25th March, 1843."

On motion of Mr. Baker,

The above bills were severally read the first and second time by their titles.

On motion of Mr. Baker,

The 30th rule of the council was suspended, so far as said bills were concerned.

On motion of Mr. Rountree,

The council resolved itself into a committee of the whole for the consideration of said bills;

Mr. Baker in the chair.

After some time, the committee rose and reported back to the council said bills without amendment.

Mr. Crocker offered the following resolution, viz:

Resolved, That the appropriation bills reported by the committee on legislative expenditures, be recommitted to said committee, and that they be instructed to report the following bills, viz:

"A bill to provide for the payment of the expenses of the legislative assembly, previous to the first day of January last;" also,

"A bill to provide for the payment of the expenses of the legislative assembly, from 1st of January to the 6th of March;" also,

"A bill to provide for the payment of the expenses of the legislative assembly, from the 6th to the 25th of March, inclusive."

On motion of Mr. Baker,

The resolution was amended, by inserting after the word "viz" the following: "A bill for the payment of the arrearages of the expenses of the legislative assembly, provided for by the act of congress, dated 29th August, 1842; also,"

The question then recurring on adopting the resolution was amended;

It was determined in the affirmative, and the resolution was adopted.

On motion of Mr. Barber,

The council adjourned.

SATURDAY, April 1, 1843.

The council met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The journal of the previous day having been read,

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in the amendment of this house to their amendment to bill No. 18, (C.) entitled 'A bill to provide for the election of a territorial printer.'

I am directed to present for your signature, the following bills, which have been signed by the speaker of the house of representatives, to wit:

‘An act to provide for punishing the crime of embezzlement by public officers;’ and

‘An act to legalize certain township elections, and the official acts of township officers, elected in April, 1842.’”

The president signed the bills referred in the above message as requiring his signature.

Mr. Newland presented a letter from Le Grand Rockwell, clerk of the district court of Walworth county, relative to the fees of certain witnesses, who attended said court at the April term, in behalf of the territory;

Which was read, and referred to the committee on territorial expenditures.

Mr. Baker offered the following resolution, to wit:

Resolved, by the council and house of representatives, that hereafter, no wood, furnished for the use of the legislative assembly, shall be used for the auditor’s or supreme court clerk’s office, and that such wood shall be used in the governor’s and secretary’s offices during the actual sitting of the legislature only; that no allowance shall be made for carrying wood to the library room, except during such actual sitting; and that the firemen of the council and house of representatives shall furnish the wood used in the halls of the respective houses, from the steps of the capitol.

Mr. Whiton, from the committee on enrolled bills, reported the following bills as correctly enrolled, to wit:

No. 18, “A bill to provide for the election of a territorial printer;” and

No. 15, “A bill to regulate the fees of clerk’s in cases of naturalization.”

Mr. Baker, from the committee on legislative expenditures, reported the following entitled bill, to wit:

No. 43, “A bill to provide for the arrearages of expenses of the legislative assembly;”

Which was read the first and second time.

Mr. La Chapelle, from the committee on engrossed bills, reported the following bills as correctly engrossed, to wit:

No. 31, "A bill to provide for the election of county attorneys," and

No. 37, "A bill to annex certain lands to the town of Mount Pleasant."

Bill No. 31, was taken up and read the third time;
And the question being on the passage thereof,
The ayes and noes were called, and the result was as follows:
Those who voted in the affirmative, were
Messrs. Baker, Crocker, La Chapelle, Newland, White, Whiton,
and Martin, (Pres't.)—7.

Those who voted in the negative, were
Messrs. Heath, Hugunin and Rountree—3.
So the bill passed.

And the question being on agreeing to the title thereof,
On motion of Mr. La Chapelle,

The title was amended so as to read as follows: "A bill to abolish certain offices therein named."

Bill No. 37, entitled "A bill to annex certain lands to the town of Mount Pleasant;"

Was then taken up, and read the third time.

Mr. Whiton obtained the unanimous consent of the council to add the following as an amendment to said bill:

"Section 3. That the limits of the village of Racine, in the county of Racine, be so altered as to exclude from the said village lot number five in section number nine, and the said lot number five in said section number nine shall not hereafter constitute a part of, or belong to said village."

The bill as amended, then passed;

And the question being on agreeing to the title thereof,

Mr. Whiton moved to amend the title, by striking out the present title, and substituting the following, to wit:

"A bill to alter the boundaries of certain towns in the counties of Racine and Rock."

Which was agreed to;

And the title, as amended, was agreed to.

On motion of Mr. Baker,

The resolution relative to wood furnished for the legislative assembly, was then taken up for consideration.

Mr. Whiton moved to amend said resolution, in the third line, by inserting after the word "auditor," the word "treasurer;"

Which was agreed to.

Mr. Whiton moved further to amend said resolution, by striking out the following words in the 8th line, viz: "except during such actual sitting;"

Which was agreed to,

And the resolution, as amended, was then adopted:

On motion of Mr. La Chapelle,

The following entitled bills were taken up and severally read the first and second time, viz:

No. 11, (H. of R.) "A bill for an act to amend an act regulating taverns and groceries;"

No. 20, (H. of R.) "A bill for the collection of certain taxes in the county of Milwaukee;"

No. 8, (H. of R.) "A bill to establish a territorial road from Prairie du Chien to Lake Superior."

On motion of Mr. La Chapelle,

The council considered bill No. 8, (H. of R.) in committee of the whole;

Mr. White in the chair.

After some time, the committee rose and reported that they had made progress therein, and asked leave to sit again;

And leave was granted.

Mr. Baker moved, that the committee on legislative expenditures be discharged from the further consideration of certain accounts of W. W. Wyman, for printing.

The motion was agreed to, and said committee was discharged.

On motion of Mr. Baker,

Said accounts were then referred to the committee on territorial expenditures.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in bills of this house as follows: No. 12, 'A bill to amend an act to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession on said lands; approved January 4th, 1840;'"

No. 17, "A bill to incorporate the Prairieville Manufacturing Company;" and,

No. 19, "A bill to prohibit public shows for gain, without a permit;"

In the last two, with amendments, in which the concurrence of this house is asked.

I am directed to present, for the concurrence of this house, No. 28, "A bill to repeal an act incorporating the State Bank of Wisconsin;"

And for the signature of the President, "An act to provide for the election of a territorial printer," and,

"An act to regulate the fees of clerks in cases of naturalization." "

The President the signed the acts requiring his signature, referred to in the foregoing message.

On motion of Mr. White,

Bill No. 17, "A bill to incorporate the Prairieville Manufacturing Company," was then taken up for consideration;

And the question being on concurring in the amendments of the house of representatives to said bill,

The amendments were concurred in.

On motion of Mr. White,

The council took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Bill No. 19, "A bill to prohibit public shows for gain, without a permit,"

Was taken up for consideration;

And the question being on concurring in the amendments of the house of representatives to said bill;

It was informally laid aside.

Bill No. 11, (H. of R.) "A bill for an act to amend an act regulating taverns and groceries,"

Was then taken up; and,

On motion of Mr. White,

The council resolved itself into a committee of the whole, for the consideration of said bill;

Mr. Rountree in the chair.

After some time spent therein, the committee rose and reported said bill back to the council with amendments;

On motion of Mr. Newland,

The bill was then referred to the committee on the judiciary.

The council, on motion, took up for consideration

Bill No. 19, "A bill to prohibit public shows for again without a permit;"

And refused to concur in the amendments of the house of representatives to said bill.

On motion of Mr. Baker,

The following entitled bill was taken up for consideration, viz: No. 20, "A bill for the collection of certain taxes in the county of Milwaukee;" and,

* On motion of Mr. Baker,

The council considered said bill in committee of the whole, Mr. Hugunin in the chair.

After some time the committee rose, and reported said bill with an amendment, in which they asked the concurrence of the council.

The amendments were concurred in by the council, and the bill ordered to a third reading.

On motion of Mr. Newland,

The council adjourned.

MONDAY, April 3, 1843.

The council met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The journal of the previous day having been read,

Mr. Strong presented

The petition of Abner Nichols and 74 others; of D. Walter Jones and 26 others; of Theodore Rodolf and 74 others; of Ch. G. Rodolf and 82 others; of John Milton and 48 others; of Nich-

olas Uren and 67 others; all of the county of Iowa, and remonstrating against a division of said county.

On motion of Mr. Strong,

Said remonstrances were referred to a select committee, composed of the members of the council from the counties of Iowa and Grant.

Mr. Strong presented

A petition from James F. Chapman, praying for a ferry in the county of Grant;

Which was referred to the committee on incorporations.

Mr. Baker presented

The petition of J. W. M'Kay and others, of Southport, praying that "An act to incorporate the Michigan and Rock river rail road company," may be revived; and

On motion of Mr. Baker,

Said petition was referred to a select committee of three;

And the president announced Messrs. Baker, Huganin and La Chapelle, to be said committee.

Mr. Newland presented

A claim of William T. Sterling, for stationery;

Which was referred to the committee on legislative expenditures.

Mr. Strong submitted the following resolution:

Resolved, That the committee on territorial expenditures, be instructed to inquire into the expediency of so changing the mode of collecting territorial revenue, as to provide for levying and collecting a territorial tax in the several counties and towns, in the same manner that county and town taxes are levied and collected.

Mr. Strong also submitted the following joint resolution:

Resolved, by the council and house of representatives of the territory of Wisconsin, that the superintendent of territorial property, be directed to deliver to the register of deeds of each of the counties of this territory, organized for judicial purposes, one set of American State Papers, relating to the public lands, now remaining in the library, to be preserved by said register of deeds and his successors for the use of such county.

Mr. Whiten of the committee on enrolled bills, submitted the following report:

"The committee on enrollment report, that they did, on the first day of April, 1843, present to his excellency the governor, for his approval,

A bill entitled 'an act to legalize certain township elections, and the official acts of township officers elected in April, 1842;' also,

A bill entitled 'an act to provide for punishing the crime of embezzling by public officers;' also,

A bill entitled 'an act to change the boundaries of certain towns therein named;' also,

A bill entitled 'an act to authorize the construction of certain dams across the Rock river;' also,

A bill entitled 'an act to regulate the fees of clerks in cases of naturalization;' also,

A bill entitled 'an act to provide for the election of a territorial printer.

EDWARD V. WHITON,

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

Bill No. 20, (H. of R.) "A bill for the collection of certain taxes in the county of Milwaukee,"

Was, on motion, taken up, read the third time and passed;

And the title thereof agreed to.

On motion of Mr. La Chapelle,

So much of the 26th rule of the council as requires one day's notice before the introduction of a bill, was suspended so far as the bill he proposed to introduce was concerned.

Mr. La Chapelle, by leave, then introduced the following entitled bill, to wit:

No. 44, "A bill relative to the assessors of Crawford county;"

Which was read the first and second time.

The "Resolution relative to levying and collecting taxes in certain counties;"

Was then taken up and adopted.

"Joint resolution relative to the distribution of American State Papers;"

Was then taken up, and read the first and second time.

On motion of Mr. Strong,

All the rules of the council which would prevent said resolution from being read the third time now, were suspended, so far as said resolution was concerned;

And the resolution was then read the third time and passed.

On motion of Mr. Strong,

Bill No. 27, "A bill to alter the territorial road from Beloit to Madison,"

Was re-committed to the committee of the whole.

On motion of Mr. Newland,

The council considered the following entitled bills in committee of the whole:

Mr. Newland in the chair:

No. 27, "A bill to alter the territorial road from Beloit to Madison;"

No. 40, "A bill to lay out a territorial road from Racine to Burlington, in Racine county;"

No. 8, (H. of R.) "A bill to establish a territorial road from Prairie du Chien to Lake Superior."

After some time, the committee rose and reported back to the council bill No. 8, with amendments;

And recommended that bills No. 40 and 27 be rejected.

The question being on adopting the report of the committee,

Mr. White moved to amend the amendment of the committee of the whole to bill No. 8, by striking out the name of "A. L. Castelman," in said bill, and inserting in lieu thereof, the name of "J. T. Kimball;"

Which was disagreed to;

And, on motion, said bill was then laid on the table, and the amendments thereto ordered to be engrossed.

The report of the committee of the whole, recommending the rejection of bills No. 40 and 27,

Was then concurred in by the council.

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

I have this day approved and signed a bill entitled 'An act to legalize certain township elections, and the official acts of township officers elected in April, 1842;' also, a bill entitled 'An act to change the boundaries of certain towns therein named; also, a bill entitled 'An act to regulate the fees of clerks in cases of naturalization;' and, also, a bill entitled 'An act to authorize the construction of certain dams across the Rock river;' and deposited the same in the office of the secretary of the territory.

J. D. DOTY.

Executive Department,
Madison, April 1, 1843." }

On motion of Mr. Strong,
The council adjourned to 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Whiton, from the committee on enrolled bills, reported the following entitled bills as correctly enrolled, to wit:

No. 12, "A bill to amend an act to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession on said lands, approved January 4th, 1840;" and

No. 17, "A bill to incorporate the Prairieville Manufacturing Company."

Bill No. 28, "A bill to repeal an act incorporating the Bank of Wisconsin,"

Was then taken up, and read the first and second time.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have passed a resolution relative to the bonds issued for the completion of the capitol, and have appointed Messrs. Walker and Meeker, a committee on their part, under the same, in which the concurrence of this house is asked.

The governor has notified the house of representatives, that he did, on the first day of April instant, approve 'An act to provide for punishing the crime of embezzlement by public officers.'

The house of representatives have adopted the joint report of the committee of conference relative to bill No. 6, 'A bill to authorize the register of deeds of Washington county to procure copies of certain records from the office of register of deeds of Milwaukee county.' "

On motion of Mr. La Chapelle,

The 30th rule of the council was suspended, so far as bill No. 44, "A bill relative to the assessors of Crawford county," was concerned; and

On motion of Mr. La Chapelle,

The council considered said bill No. 44, in committee of the whole,

Mr. Rountree in the chair.

After some time, the committee rose and reported back to the council said bill, without amendment;

And, on motion, the bill was ordered to be engrossed for a third reading.

On motion of Mr. Rountree,

The council considered bill No. 43, "A bill to provide for the arrearages of the expenses of the legislative assembly," in committee of the whole;

Mr. La Chapelle in the chair.

And after some time the committee rose and reported the bill back to the council with amendments, in which they asked the concurrence of the council.

The council concurred in the amendments of the committee of the whole; and

On motion, the bill was ordered to be engrossed for a third reading.

Mr. Strong presented an account of John Y. Smith;

Which was referred to the committee on legislative expenditures.

On motion of Mr. Strong,

A call of the council was ordered, and

Messrs. Baker, Barber, Crocker and Hugunin were reported absent.

On motion of Mr. Whiton,

Mr. Barber was excused from attendance.

The sergeant-at-arms was despatched for Messrs. Baker, Crocker and Hugunin.

On motion of Mr. Whiton,

Further proceedings under the call of the council were dispensed with.

Mr. Baker, from the committee on legislative expenditures, reported the following entitled bills, viz:

No. 45, "A bill to provide for the payment of the expenses of the legislative assembly, from 1st January, 1843, to 6th March, 1843;"

No. 46, "A bill to provide for the payment of the expenses of the legislative assembly, exclusive of arrearages, prior to January 1st, 1843;"

No 47, "A bill to provide for the payment of the expenses of the legislative assembly, commencing March 6th and ending March 25, 1843."

On motion of Mr. Baker,

Said bills Nos. 45, 46, and 47, were laid on the table.

On motion of Mr. Baker,

Bill No. 39, "A bill to amend an act to provide for the government of the several towns in this territory, and for the revision of county government," was taken up for consideration;

And, on motion, so much of the 30th rule of the council as requires all bills, after being printed, to remain on the table one day before being considered, was suspended so far as said bill No. 39 was concerned.

On motion of Mr. Baker,

The council resolved itself into a committee of the whole for the consideration of said bill No. 39;

Mr. Dewey in the chair.

Pending the consideration thereof, the chief clerk of the house of representatives was announced, when the President resumed his chair, and the following message was received, viz:

Mr. President: I am directed to present for your signature 'An act to incorporate the Prairieville Manufacturing Company,' and An act to amend an act to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to de-

fine the rights of possession on said lands, approved January 4th, 1840;'

And for the concurrence of this house to No. 30, 'A bill to authorize Silas Peck and David S. Wells to construct a dam across the Fox river,' and No. 31, 'A bill to provide for laying out and establishing territorial roads therein named.'

The house of representatives have concurred in the amendments of this house to bill No. 20, (H. of R.) 'A bill for the collection of certain taxes in the county of Milwaukee;' and have insisted upon their amendments to bill No. 19, (of this house) 'A bill to prohibit public shows for gain, without a permit;' and appointed Messrs. Hamilton and Darling a committee of conference thereon, to confer with a similar committee on the part of this house, which I am directed to request may be appointed."

The President signed the acts requiring his signature, referred to in the above message.

The council then resumed its session in committee of the whole on bill No. 39, and pending their further consideration thereof, the chief clerk of the house of representatives was announced, when the President resumed the chair, and the following message was received, viz:

"Mr. President: The house of representatives have concurred in a resolution of this house, 'relative to wood furnished for the legislative assembly.'

I am directed to request that all petitions, memorials, or other papers, relating to bill No. 30, (C.) entitled 'A bill to repeal the fourth section of an act entitled 'an act to organize the county of St. Croix,' and to legalize the acts of certain officers in said county, and for other purposes,' may be transmitted to the house of representatives."

On motion of Mr. Strong,

Ordered, that the secretary of the council transmit all petitions, memorials, and other papers relative to bill No. 30, (C.) entitled "A bill to repeal the fourth section of an act entitled 'an act to organize the county of St. Croix,' and to legalize the acts of certain officers in said county, and for other purposes," to the house of representatives, agreeably to their request.

Mr. Whiton, from the committee on enrolled bills, submitted the following report:

"The committee on enrollment report, that they did on this day, April the third, eighteen hundred and forty-three, present to his excellency the governor, for his approval, a bill entitled "An act to incorporate the Prairieville Manufacturing Company;" also, a bill entitled "An act to amend 'an act to prevent trespasses and other injuries being done to the possessions of settlers on public lands, and to define the right of possession on said land,' approved January 4th, 1840." "

EDWARD V. WHITON,

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

The committee of the whole then resumed its session on bill No. 39, and after some time, rose and reported that they had made progress therein, and asked leave to sit again;

And leave was granted.

Mr. Whiton, from the committee on enrollment, reported as correctly enrolled, No. 6, "An act to authorize the register of deeds of Washington county to procure copies of certain records from the office of register of deeds of Milwaukee county;" also, "Resolution asking an appropriation of land by congress, for the purpose of establishing within the territory of Wisconsin institutions for the instruction of the deaf and dumb and blind, and an asylum for the insane."

Mr. Newland, from the committee on territorial expenditures, asked leave to report the following entitled bill, viz:

No. 48, "A bill to provide for the manner of levying and collecting a territorial revenue;"

Which was read the first and second time.

On motion of Mr. Baker,

The following entitled bills were taken up, and severally read first and second time, viz:

No. 45, "A bill to provide for the payment of the expenses of the legislative assembly from the 1st of January, 1843, to 6th of March, 1843;"

No. 46, "A bill to provide for the payment of the expenses of

the legislative assembly (exclusive of arrearages) prior to January 1st, 1843;"

No. 47, " A bill to provide for the payment of the expenses of the session of the legislative assembly, commencing March 6th, and ending March 25th, 1843;" and,

On motion of Mr. Baker,

So much of the 30th rule of the council as requires all bills to be printed before being considered in committee of the whole, was suspended in relation to said bills.

On motion of Mr. White,

The council adjourned.

TUESDAY, April 4, 1843.

The council met pursuant to adjournment.

The journal of the previous day having been read,

Mr. Whiton presented

Accounts of John Catlin and George P. Delaplaine, for attendance at the Walworth county district court, at the October term 1842, as witnesses on behalf of the territory;

Which was referred to the committee on territorial expenditures.

Mr. La Chapelle presented

An account of Nicholas Smith, for making carpets and curtains for the supreme court clerk's office;

Which was referred to the committee on legislative expenditures.

Mr. Hugunin offered the following resolution, to wit:

Resolved, if the house of representatives concur, that the joint committee of the two houses, appointed to settle with Daniel Baister for work done on the capitol, be authorized to send for persons and papers, and to administer oaths to witnesses.

Mr. Baker offered the following resolution, to wit:

Resolved, by the council, the house of representatives concur

ring therein, that the joint committee on territorial expenditures be instructed to inquire into, and to report the amount of indebtedness of the territory for debts, justly due, which were contracted by the register and receiver of the Milwaukee and Rock river canal, during the past year, and what provision should be made for the payment thereof; and that they report by bill or otherwise.

Mr. Baker presented

The certificates of the clerk of the district court of Walworth county, for the fees of sheriff, witnesses, clerk of court, &c., on account of suits now pending in said county on behalf of the territory;

Which were referred to the committee on territorial expenditures.

Mr. Barber gave notice, that on some future day, he should ask leave to introduce a bill of the following title, to wit:

"A bill relative to the sale of lands for taxes."

Mr. Baker, from the select committee to whom had been referred a certain petition of citizens of Southport, had leave to report the following entitled bill, to wit:

No. 49, "A bill to revive an act entitled 'an act to incorporate the Michigan and Rock river rail road company;'"

Which was read the first and second time.

The president announced the following entitled bill as being made the order of the day, to wit:

No. 33, "A bill to remove the seat of territorial government, and for other purposes;" whereupon,

The council resolved itself into a committee of the whole for the consideration of said bill,

Mr. Crocker in the chair.

Pending the consideration thereof, the clerk of the house of representatives being announced, the president resumed the chair, and the following message was received, to wit:

"Mr. President: The house of representatives have concurred in resolution No. 1, (C.) 'Joint resolution relative to the distribution of American State Papers,' with an amendment, in which I am directed to ask the concurrence of the council.

I am directed to present the following for the signature of the president, to wit:

‘An act for the collection of certain taxes in the county of Milwaukee;’

‘An act to authorize the register of deeds of Washington county to procure copies of certain records from the office of register of deeds of Milwaukee county;’ and

‘Resolution asking an appropriation of land by congress for the purpose of establishing within the territory of Wisconsin, institutions for the instruction of the deaf and dumb and blind, and an asylum for the insane.’”

The acts and resolution requiring the signature of the president, referred to in the above message, were then signed by him.

The committee of the whole then resumed its session on bill No 33;

After some time spent therein, the committee rose and reported said bill back to the council without amendment, and recommended that the bill be indefinitely postponed.

The question then being on adopting the report of the committee;

And the ayes and noes being called for, the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. Baker, Barber, Dewey, Heath, Rountree, Strong, and Whiton—7.

Those who voted in the negative, were

Messrs. Crocker, Hugunin, La Chapelle, Newland, White, and Martin, (Pres’t,)—6.

So the bill was indefinitely postponed.

On motion of Mr. Hugunin,

The resolution relative to authorizing the joint committee of the two houses appointed to settle with Daniel Baxter, to send for persons and papers, and administer oaths to witnesses;

Was then taken up for consideration; and,

The question being on the adoption of said resolution,

The ayes and noes were called, and the result was as follows:

Those who voted in the affirmative, were

Messrs. Barber, Heath, Hugunin, Rountree and White—5.

Those who voted in the negative, were

Messrs. Baker, Dewey, Newland, Strong, Whiton, and Martin, (Pres't,)—6.

So the resolution was rejected.

Mr. Dewey, from the committee on engrossed bills, reported the following to be correctly engrossed, to wit:

No. 43, "A bill to provide for the arrearages of expenses of the legislative assembly;"

No. 44, "A bill relative to the assessors of Crawford county;"

Also, the amendments to bill No. 8, (H. of R.) "A bill to establish a territorial road from Prairie du Chien to Lake Superior."

Mr. Whiton of the committee on enrolled bills, submitted the following report:

"The committee on enrollment report, that they did, on the 4th day of April, 1843, present to his excellency the governor, for his approval, a bill entitled

'An act to authorize the register of deeds of Washington county to procure copies of certain records in the office of the register of deeds of Milwaukee county;'

Also, a bill entitled 'An act for the collection of certain taxes in the county of Milwaukee;'

Also, resolutions entitled 'Resolutions asking an appropriation of land by congress, for the purpose of establishing within the territory of Wisconsin, institutions for the instruction of the deaf and dumb and blind, and an asylum for the insane.'

EDWARD V. WHITON,

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

Mr. Hugunin, from the joint committee of the two houses, appointed to settle with Daniel Baxter, asked to be excused from longer serving on said committee; and,

On motion, Mr. Hugunin was excused.

Mr. Baker presented

The account of Thomas R. Hill, for services in and about the capitol;

Which was referred to the committee on legislative expenditures.

On motion of Mr. Whiton,

Bill No. 38, "A bill to vacate the City of the Four Lakes," was taken up for consideration;

And the question being on ordering said bill to be engrossed for a third reading, the ayes and noes were called, and the result was as follows, to wit:

Those who voted in the affirmative, were

Messrs. Baker, Barber, Newland, Rountree, Strong, and Whilton—6.

Those who voted in the negative, were

Messrs. Crocker, Dewey, Heath, Hugunin, White, and Martin, (Pres't,)—6.

So the council refused to order the bill to be engrossed.

On motion of Mr. Strong,

Bill No. 44, "A bill relative to the assessors of Crawford county," was taken up and read the third time; and

On motion of Mr. Barber,

The bill was laid upon the table.

On motion of Mr. Strong,

Bill No. 8, (H. of R.) "A bill to establish a territorial road from Prairie du Chien to Lake Superior," was taken up for consideration;

And the question being on ordering said bill to a third reading,

It was determined in the affirmative;

And the bill was read the third time and passed.

The question then being on agreeing to the title thereof;

Mr. Strong moved to amend the same so as to read—"A bill to provide for laying out certain territorial roads;"

Which motion was decided in the affirmative,

And the title, as amended, was then agreed to.

The "Joint resolution relative to the distribution of American state papers," was then taken up,

And the question being on concurring in the amendments of the house of representatives to said resolution,

The council refused to concur in said amendments.

The "Joint resolution relative to the bonds issued for the completion of the capitol," was taken up for consideration.

On motion of Mr. Strong,

The resolution was amended by adding the following, to wit:

and that the committee report within thirty days after the commencement of the next session of the assembly; *Provided*, that no expense shall be incurred by the territory by reason of any action of said committee in the recess of the legislative assembly;" And the resolution, as amended, was then adopted.

On motion of Mr. Whiton,
The council took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Whiton, from the committee on incorporations, to which was referred the petition of James F. Chapman, made the following report, viz:

"The committee on incorporations, to which was referred the petition of James F. Chapman, praying to have authority granted him to maintain a ferry across the Mississippi river and the Grant river and slough, report:

That in the opinion of the committee, the prayer of the petitioner ought not to be granted, for the reason that the general power to establish and regulate ferries is, by a general law of the territory, vested in the county commissioners of the several counties.

In the present instance there is no proof before the committee that the commissioners of Grant county have unreasonably refused to grant to Mr. Chapman a ferry licence, or that he has ever applied to them to obtain a licence.

The committee are very clear, that it would be unwise to interfere with the operation of the general laws of the territory in relation to the regulation of ferries, as prayed for in the petition, without some proof that it is wrong in its operation on the petitioner.

By order of the committee,

E. V. WHITON, Chairman."

The following entitled bills were then taken up, and severally read the first and second time, viz:

Bill No. 30, (H. of R.) "A bill to authorize Silas Peck and Daniel L. Wells to construct a dam across the Fox river;" and

Bill No. 31, (H. of R.) "A bill to provide for laying out and establishing territorial roads therein named."

Mr. Crocker, from the committee on territorial affairs, to whom had been referred so much of the governor's message as relates to the distributive share of Wisconsin in the net proceeds of the public lands, by leave, reported

"Joint resolutions relative to the distributive share of Wisconsin, in the net proceeds of the public lands;"

Which was read the first and second time.

On motion of Mr. Baker,

The council resumed its session in committee of the whole on bill

No. 39, "A bill to amend an act to provide for the government of the several towns in this territory, and for the revision of the county government;"

Mr. Dewey in the chair.

After some time, the committee rose, and by their chairman reported that they had made progress in the matter under consideration, and asked leave to sit again;

And leave was given.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in bill No. 24, (C.) 'A bill to authorize Clauden Stoughton and Luke Stoughton, to build and maintain a dam across the Rock river; and also, to authorize Anson W. Pope and Virgil Pope, to build and maintain a dam across said stream,' with amendments in which the concurrence of the council is asked."

A message from the governor by his private secretary, Mr. C. Doty, was received.

On motion of Mr. Strong,

The 30th rule of the council in relation to bill No. 48, "An act to provide for the manner of levying and collecting a territorial revenue," was suspended.

On motion of Mr. Strong,

The council resolved itself into a committee of the whole for the consideration of said bill No. 48,

Mr. Heath in the chair.

After some time, the committee rose and reported that they had made progress therein, and asked leave to sit again;

And leave was granted.

On motion of Mr. La Chapelle,

So much of the 30th rule of the council as requires one day's notice before the introduction of a bill; was suspended relative to the bill he proposed to introduce; and

Mr. La Chapelle had leave to introduce the following entitled bill, to wit:

No. 50, "A bill concerning the City of the Four Lakes;"

Which was read the first and second time.

On motion of Mr. La Chapelle,

All rules that would prevent said bill being engrossed for a third reading now, were suspended so far as said bill was concerned;

And the bill, on motion, was then ordered to be engrossed for third reading.

On motion of Mr. Barber,

So much of the rules of the council as requires one day's notice before the introduction of a bill, was suspended in relation to the bill he proposed to introduce; and

Mr. Barber had leave to introduce the following entitled bill, viz:

No. 51, "A bill relative to the sale of lands for taxes;"

Which was read the first and second time.

Mr. Whiton, from the committee on incorporations, to whom had been referred the petition of citizens of Manitouwoc county, had leave to report the following entitled bill, viz:

No. 52, "A bill in relation to dams on the Manitouwoc river;"

Which was read the first and second time.

On motion of Mr. Whiton,

The rule of the council which requires all bills to be printed before being considered in committee of the whole, was suspended in relation to bill No. 52.

Mr. Baker had leave to introduce the following resolution, viz:
Resolved, That the use of the council chamber be granted to the Rev. Mr. Matthews, this evening, to deliver an anti-slavery address;

And moved its adoption;

And the ayes and noes being called for, the result was as follows, viz:

Those who voted in the affirmative, were
Messrs. Baker, Crocker and Hugunin—3.

Those who voted in the negative, were
Messrs. Barber, Dewey, Heath, La Chapelle, Newland, Rountree, Strong, White, Whiton, and Martin, (Pres't,)—10.

So the resolution was rejected.

Mr. Crocker moved the suspension of all rules of the council which would prevent the following entitled resolutions from being ordered to be engrossed for a third reading now, viz:

“Joint resolutions relative to the distributive share of Wisconsin in the net proceeds of the public lands.”

Which was disagreed to.

The president announced the appointment of Mr. Whiton to be of the joint committee of the two houses, appointed to settle with Daniel Baxter, in the place of Mr. Hugunin, who had been excused from serving on said committee.

Mr. Whiton moved that he be excused from serving on said committee;

Which was agreed to.

The president then appointed Mr. Heath to be of said committee, in place of Mr. Whiton.

Mr. Crocker, by leave, offered the following resolution:

Resolved, That the committee on territorial affairs be instructed to report a memorial to congress, relative to the estimates of expenditures of the legislative assembly, and that said committee be instructed to report an estimate of those expenditures, to be laid before the Secretary of the Treasury;

Which was adopted.

On motion of Mr. Dewey,
The council adjourned.

WEDNESDAY, April 5, 1843.

The council met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The journal of the previous day having been read,

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"Mr. President: I am directed by the governor to return to the legislative council a bill entitled 'An act to provide for the election of a territorial printer,' together with a message in writing."

The president laid before the council a message from the governor on executive nominations;

Which was read and laid on the table.

Also, the following message from the governor, viz:

"To the Legislative Council:

The bill entitled 'An act to provide for the election of a territorial printer,' is herewith returned without my signature, and I respectfully submit my objections thereto.

1st. It requires the territorial printer to give a bond 'to the territory of Wisconsin.' It is well known to every lawyer, that no suit or indictment can be maintained in her name; and that for this reason all prosecutions for violations of the laws of the territory are, and ever have been, in the name of 'the United States.' A bond given to a minor might as well be sued and collected in the name of the minor. A territory does not possess any portion of the sovereignty of a *state*; and until she becomes a state, the entire sovereignty over her is in the United States. She is compelled to enforce her laws in the name and by the authority of that government which she represents, and in virtue of which all her laws are passed.

The supreme court of the United States have decided that congress possesses and exercises 'the absolute and undisputed power of *governing* and legislating' for the territories; and also, that 'congress exercises [over them] the combined powers of *the general*, and of a *state* government.'—C. Cranch's Reports, 332—1 Peter's Reports, 546.

The bond, therefore, does not, in my opinion, secure that accountability to which all public officers should be held.

This section provides that the bond shall be deposited with the clerk of the supreme court. The clerk is an officer of the court, and not of the territorial government. He is appointed by the court and holds his office during its pleasure. He is responsible to it for the performance of his duties; but the duty of keeping safely, and for the use of the territory, the bonds of public officers, is not enjoined upon him either by the court or by law. If he is guilty of misbehavior, or if he should destroy this bond, the assembly has no power to remove or punish him. It appears to me, therefore, that this section provides that a bond shall be given by the printer, which when executed will be good for nothing, and that when executed it shall be thrown away.

2d. The 7th section conflicts with the act of congress, which declares that 'no act, resolution, or order, of the legislature of any territory, directing the expenditure of the sum [appropriated for the support of government therein,] shall be deemed a sufficient authority for such disbursement.' This section declares that the receipt of the superintendent shall be 'a sufficient voucher to authorize the secretary of the territory to pay to said printer the amount therein specified.'

The secretary has the right by law to judge for himself whether a voucher is 'sufficient' to authorize him to make the payment; and it is also his right, because it is his duty, as I conceive, to determine whether the 'amount' charged by a public creditor is the proper sum to be paid for the service rendered. If the assembly was to declare that a favorite printer should receive eleven thousand dollars for a service which was not worth more than five thousand, and which others equally competent offered and were ready to perform for five thousand, surely no one can doubt *which* sum ought to be paid by him.

3d. The effect of the provisions of this bill will be to establish and maintain a press for the support of a political party, with the funds granted by congress for the support of this government, and to give to the newspaper published by it a circulation and preference over those issued by other presses in the territory. If the press thus selected should happen to be opposed to the adminis-

tration of the government of the United States, the interests of the territory would be greatly prejudiced by it.

If every press was allowed an equal opportunity to become employed to execute the work, by an offer to give it to the lowest bidder who should give satisfactory security, it could not then be controlled by the party which might have a majority in the assembly, or the service performed in any other than the most economical manner—competition would secure economy, and preserve unpolluted the medium through which the people receive intelligence of public affairs and of the acts of their officers.

The assembly has before it several propositions, with a tender of ample security, to do the printing for the territory for a sum almost one half less than this bill gives to the public printer for the same work. This alone would be sufficient to compel me to withhold my assent.

In addition to the foregoing objections, I must add those heretofore stated relative to the appointing power.

J. D. DOTY.

Executive Department,
Madison, April 4, 1843.” }

The foregoing message having been read,

Mr. Strong presented, and asked the reading of the following letter, which was read, viz:

“WASHINGTON, January 12, 1840.

“Sir: The legislative assembly of Wisconsin has, by a resolution approved by the governor on the 16th of December, 1839, requested me to protest against the extension of the military reservation of Fort Snelling to the Wisconsin side of the Mississippi river, with which I have now the honor to comply.

A question of some importance will arise if the reservation is made, which I beg leave to state.

The United States may reserve any portion of it from sale, but can it extend military jurisdiction over so large a tract of country as is embraced in the limits of this reservation, by the simple declaration that it is necessary for military purposes?

A Territory is a *State* under a temporary form of government. It may be doubtful with some whether congress may exercise exclusive jurisdiction over this reservation, the purchase hav-

ing been without the consent of the legislature of that state. Against the exercise of that jurisdiction the legislative power of that state now protests. The subdivisions of the territory north-west of the Ohio are denominated "*States*" in the ordinance of 1787. And in the 3d section it is ordained, "that the laws to be adopted or made (by the legislature) *shall have force in all parts of the district.*"

It also requires the governor "to lay out the parts of the districts *in which the Indian title shall have been extinguished*, into counties and townships." An exclusive military jurisdiction would be incompatible with the exercise of this power by the territorial government.

I am advised that a copy of the resolution of the assembly of Wisconsin has been forwarded to the War Department, and I beg leave to refer to the reasons therein stated.

I have the honor to be, sir, with great respect, your obedient servant.

J. D DOTY.

Hon. J. R. POINSETT,

Secretary of War."

On motion of Mr. Whiton,

The governor's message and the above letter were referred to the committee on territorial affairs.

Mr. Hugunin presented a remonstrance from citizens of the town of Southport, remonstrating against the proposed division of said town;

Which was referred to the committee on incorporations.

Mr. Strong presented a remonstrance from citizens of Iowa county, against the proposed removal of the territorial seat of government;

Which was read and laid on the table.

Mr. Crocker presented a memorial from the citizens of the town of Milwaukee, praying for an increase of representation in the county board of supervisors;

Which was referred to the committee on incorporations.

Mr. La Chapelle presented a communication from La Fayette Kellogg, clerk of the supreme court;

Which was read, and referred to the committee on the judiciary.

Mr. Baker presented an account of Thomas Hill;

Which was referred to the committee on legislative expenditures.

Mr. La Chapelle, from the select committee to which had been referred "a bill concerning costs and fees," reported the same with sundry amendments thereto, which, on motion,

Were laid on the table.

On motion of Mr. Whiton,

The vote by which the governor's message and the letter submitted by Mr. Strong were referred to the committee on territorial affairs, was reconsidered, and

On motion of Mr. Whiton,

The message and letter were referred to the committee on the judiciary.

On motion of Mr. Whiton,

Bill No. 24, "A bill to authorize Clauden Stoughton and Luke Stoughton to build and maintain a dam across the Rock river, and also to authorize Anson W. Pope and Virgil Pope to build and maintain a dam across said steam," was taken up for consideration; and,

The question being on concurring in the amendments of the house of representatives to said bill,

It was determined in the affirmative,

And the amendments were concurred in.

On motion of Mr. Baker,

The council proceeded to consider the following entitled bills in committee of the whole,

Mr. Dewey in the chair;

No. 39, "A bill to amend an act to provide for the government of the several towns in this territory, and for the revision of county government;"

No. 51, "A bill relative to the sale of lands for taxes."

After some time, the committee rose and reported back to the council bill No. 39 with amendments;

And reported progress on bill No. 51, and had leave to sit again on said bill.

On motion of Mr. Strong,

The committee of the whole were discharged from the fur-

ther consideration of No. 48, "A bill to provide for the manner of levying and collecting a territorial revenue;"

On motion, said bill was referred to a select committee,
And Messrs. Strong, Crocker, and Baker, were appointed said committee.

On motion of Mr. Whiton,
The council took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present, for the concurrence of this house, No. 2, 'A bill supplementary to an act to amend an act for assessing and collecting county revenue;'

And to inform you that the house of representatives have concurred in bills of the council as follows:

No. 28, 'A bill to legalize the official acts of James H. Lockwood,' and

No. 26, 'A bill to repeal the several acts concerning the militia, and for other purposes;'

In the latter with amendments, in which the concurrence of the council is asked."

Bill No. 51, "A bill relative to the sale of lands for taxes," was taken up, and, on motion,

The council went into committee of the whole on said bill;
Mr. Whiton in the chair.

After some time spent therein, the committee rose and reported back to the council said bill with an amendment,

In which the council concurred.

Mr. Strong moved that said bill be indefinitely postponed;

On which motion the ayes and noes were called, and were as follows:

Those who voted in the affirmative, were
Messrs. Dewey, La Chapelle and Strong—3.

Those who voted in the negative, were
Messrs. Baker, Barber, Crocker, Heath, Hugunin, Newland, Rountree, White, Whiton, and Martin (Pres't.)—10.

So the council refused to postpone said bill.

On motion of Mr. Whiton,

The bill was then referred to the committee on the judiciary.

On motion of Mr. Baker,

Bill No. 39, "A bill to amend an act to provide for the government of the several towns in this territory, and for the revision of county government," was taken up for consideration;

And the question being on concurring in the amendments of the committee of the whole to said bill,

The same were concurred in;

And, on motion, the bill was ordered to be engrossed for a third reading.

Mr. Newland had leave to present an account of Barlow Shackelford;

Which was referred to the committee on legislative expenditures.

Mr. Newland moved that Mr. Manahan have leave to withdraw the petition of the sheriff of Crawford county from the files of the council;

The motion was agreed to, and leave was given accordingly.

Bill No. 2, (H. of R.) "A bill supplementary to an act to amend an act for assessing and collecting county revenue;"

Was then taken up and read the first and second time.

Bill No. 26, "A bill to amend the statutes of Wisconsin relating to the militia,"

Was then taken up;

And the question being on concurring in the amendments of the house of representatives to said bill,

It was determined in the negative, and the amendments were not concurred in.

On motion of Mr. Dewey,

The council proceeded to the consideration of executive business.

The council having disposed of the executive business,

A message from the governor was announced, by his private secretary, Mr. Charles Doty.

On motion of Mr. Rountree,

No. 34, "A bill to amend an act concerning costs and fees;"

with the accompanying report of the select committee to which the bill had been referred; was taken up, and considered in committee of the whole;

Mr. La Chapelle in the chair.

After some time, the committee rose and reported that they had made progress therein, and asked leave to sit again;

And leave was granted.

The president laid before the council the following message from the governor, viz:

"To the Legislative Council:

I have this day approved and signed a bill entitled 'An act to authorize the register of deeds of Washington county to procure copies of certain records from the office of register of deeds of Milwaukee county;' a bill entitled 'An act to incorporate the Prairieville Manufacturing Company;' and 'Resolutions asking an appropriation of land by congress for the purpose of establishing within the territory of Wisconsin institutions for the instruction of the deaf and dumb and blind, and an asylum for the insane;' which are deposited in the office of the secretary of the territory.

J. D. DOTY.

Executive Department,
Madison, April 5, 1843." }

On motion of Mr. White,
The council adjourned.

EXECUTIVE JOURNAL.

WEDNESDAY, April 5, 1843.

On motion of Mr. Dewey,

The council advised and consented to the appointment of Ephraim Dunbar and of Orrin McCartney, to be Justices of the Peace for the county of Grant.

On motion of Mr. Barber,

The council advised and consented to the appointment of Winslow Blake, to be District Attorney for the county of Jefferson.

On motion of Mr. Crocker,

The council advised and consented to the appointment of Henry Brown Sanders, to be Notary Public for the county of Milwaukee.

THURSDAY, April 6, 1843.

The council met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The journal of the previous day having been read,

Mr. Whiton, from the committee on enrolled bills, reported the following entitled bills as correctly enrolled, viz:

No. 24, "A bill to authorize Clauden Stoughton and Luke Stoughton to build and maintain a dam across the Rock river; and also, to authorize Anson W. Pope and Virgil Pope to build and maintain a dam across said stream;" and

No. 28, "A bill to legalize the official acts of James H. Lockwood."

On motion of Mr. Baker,

The committee on legislative expenditures were discharged from the further consideration of the accounts of Nicholas Smith and Thomas Eastman, which had been referred to them;

And the same, on motion, were referred to the committee on territorial expenditures.

On motion of Mr. Crocker,

Bill No. 43, "A bill to provide for the payment of the arrearages of the expenses of the legislative assembly,"

Was committed to the committee of the whole.

Mr. Whiton moved, that the report of the judiciary committee, on the petition of James H. Chapman, for authority to maintain a ferry across the Mississippi river, and Grant river and Slough, be taken up and adopted;

On which motion, the ayes and noes were called and the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. Baker, Barber, Crocker, Dewey, Heath, Hugunin, Newland, Rountree, White, Whiton, and Martin, (Pres't)—11.

Those who voted in the negative, were

Messrs. La Chapelle and Strong—2.

So the report was adopted.

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

“Mr. President: I am directed by the governor to return to the legislative council a bill entitled ‘An act to amend an act to prevent trespass and other injuries being done to the possessions of settlers on the public lands, and to define the right of possession to said lands, approved January 4th, 1840,’ together with a message in writing.”

Mr. Strong gave notice, that he should, on to-morrow, ask leave to introduce a bill to repeal “An act authorizing Webster Stanley to maintain a ferry on the Fox river.”

On motion of Mr. Strong,

The following entitled bills were taken up and considered in committee of the whole,

Mr. Newland in the chair:

No. 43, “A bill to provide for the payment of the arrearages of the expenses of the legislative assembly;”

No. 45, “A bill to provide for the payment of the legislative assembly, from 1st of January, 1843, to 6th March, 1843;”

No. 46, “A bill to provide for the payment of the expenses of the legislative assembly, exclusive of arrearages, prior to January 1st, 1843;”

No. 47, “A bill to provide for the payment of the expenses of the session of the legislative assembly, commencing March 6th and ending March 25th, 1843.”

Pending the consideration of the committee of said bills, a message from the governor being announced, the president took the chair, when a message from the governor, by the hands of his private secretary, Mr. Charles Doty, was received.

The committee then resumed its session, and the clerk of the house of representatives being announced, the president took the chair, when the following message was received, viz:

"Mr. President: I am directed to present for your signature 'A resolution in relation to renting a certain room in the capitol to the county of Dane;'

And to inform this house that the house of representatives have concurred in bill No. 30, (C.) entitled 'A bill to repeal the fourth section of an act entitled an act to organize the county of St. Croix, and to legalize the acts of certain officers in said county, and for other purposes;' and have passed memorial No. 1, entitled 'Memorial to congress relative to the canal lands,' in which the concurrence of this house is requested.

I am further directed to inform this house, that the house of representatives have refused to concur in the amendments of the council to a 'Resolution relative to the bonds issued for the completion of the capitol;' and have insisted on their amendments to resolution No. 1, 'Joint resolution relative to the distribution of American State Papers;' Messrs. Platt and Darling have been appointed a committee of conference on the said disagreeing vote of the two houses: a committee of conference is requested.

And also, that the governor has informed the house of representatives that he did, on this day, April 6th, 1843, approve and sign 'An act for the collection of certain taxes in the county of Milwaukee.' "

The resolution presented for the signature of the president, referred to in the above message, was then signed by him.

The committee then resumed its session, and after some time rose, reported progress, and asked leave to sit again;

And leave was granted.

On motion of Mr. Whiton,

The council adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The president laid before the council a message from the governor on executive business; also, the following, viz:

"To the Legislative Council:

I return to the council a bill entitled 'An act to amend an act to prevent trespass and other injuries being done to the posses-

sions of settlers on public lands, and to define the right of possession to said lands, approved January 4th, 1840.'

My objections to said bill, are, that the occupancy and disposal of the public domain are not subjects upon which the sssembly are allowed by law to legislate.

They have been legislated upon by congress, and are under its exclusive control. No legal rights can be acquired or created in or over the public lands otherwise than by the laws of the United States. Its provisions particularly conflict with the sct entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved September 4th, 1841. The tenth, eleventh, twelfth, thirteenth, and fifteenth sections of this act prescribe the manner and regulate the terms upon which settlers may occupy the public lands.

I do not perceive that the provisions of this, or of the act to which this is amendatory, correspond with the title.

J. D. DOTY.

Executive Department,
" Madison, April 5, 1843." }

Mr. Strong moved a call of the council;

Whereupon Mr. Newland was reported absent.

The sergeant-at-arms was despatched for Mr. Newland, and having reported him in his seat, further proceedings under the call were suspended.

On motion of Mr. Strong,

The council proceeded to consider the following entitled bill, which had been returned by the governor without his signature, and with his objections thereto, to wit: "An act to amend an act to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession on said lands, approved January 4th, 1840."

The question being, "Will the house, on reconsideration, pass said bill?"

It was determined in the affirmative by the unanimous vote of the council.

Mr. Dewey, from the committee on engrossment, had leave to make a report, and he reported the following entitled bill as correctly-engrossed, to wit:

No. 39, "A bill to amend an act to provide for the government of the several towns in this territory, and for the revision of county government."

On motion of Mr. Hugunin,

The council proceeded to the consideration of executive business;

And having disposed thereof;

On motion of Mr. Baker,

Bill No. 39, "A bill to amend an act to provide for the government of the several towns in this territory, and for the revision of county government,"

Was taken up, read the third time, and passed;

And the title thereof was then agreed to.

On motion of Mr. Baker,

The council resumed its session in committee of the whole on the following entitled bills;

Mr. Newland in the chair:

No. 43, "A bill to provide for the payment of the arrearages of expenses of the legislative assembly;"

No. 45, "A bill to provide for the payment of the expenses of the legislative assembly from 1st of January, 1843, to 6th of March, 1843;"

No. 46, "A bill to provide for the payment of the expenses of the legislative assembly (exclusive of arrearages) prior to January 1st, 1843;"

No. 47, "A bill to provide for the payment of the expenses of the session of the legislative assembly commencing March 6th, and ending March 25th, 1843."

After some time, the committee rose and reported progress on said bills, and asked leave to sit again;

And leave was granted.

On motion of Mr. Rountree,

The council resolved itself into a committee of the whole for the consideration of the following entitled bill and the amendments thereto;

Mr. White in the chair:

No. 34, "A bill to amend an act concerning costs and fees."

After some time spent therein, the committee rose and reported back to the council said bill with amendments.

The question being on concurring in the amendments reported by the committee of the whole;

On motion of Mr. Rountree,

The bill was laid upon the table, and the amendments ordered to be engrossed.

On motion of Mr. Baker,

The council proceeded to consider the following entitled bills in committee of the whole,

Mr. Barber in the chair:

No. 28, (H. of R.) "A bill to repeal an act incorporating the State Bank of Wisconsin;"

No. 30, (H. of R.) "A bill to authorize Silas Peck and David L. Wells to construct a dam across the Fox river;"

No. 49, "A bill to revive an act entitled 'an act to incorporate the Michigan and Rock river Railroad Company;' and,

No. 52, "A bill in relation to dams on the Manitowoc river."

After some time, the committee rose and reported back to the council said bills without amendment; and,

Bills Nos. 49 and 52, were ordered to be engrossed for a third reading; and,

Bills Nos. 28 and 30, were ordered to a third reading.

Mr. Dewey, from the committee on engrossment, had leave to report; and he thereupon reported,

Bill No. 50, "A bill concerning the City of the Four Lakes," as correctly engrossed.

On motion of Mr. La Chapelle,

Bill No. 50 was taken up and read the third time; and,

On motion,

The council proceeded to consider said bill in committee of the whole;

Mr. Heath in the chair.

After some time, the committee rose and reported back to the council said bill without amendment; and,

The question being on ordering said bill to be engrossed for a third reading,

Mr. Barber moved to amend the same by adding the following section, to wit:

"Section 2. The provisions of this act shall extend and apply to all that part of the town of Madison, in the county of Dane, contained in the north-west quarter of section twenty-three, in township No. seven, in range No. nine, east, which includes blocks Nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 36, 37, and 38;"

Which motion to amend was disagreed to.

On motion of Mr. Dewey,

The council adjourned.

EXECUTIVE JOURNAL.

THURSDAY, April 6, 1843.

On motion of Mr. Hugunin,

The council advised and consented to, the appointment of Joseph P. Hulburt, to be a Justice of the Peace for the county of Racine.

FRIDAY, April 7, 1843.

The council met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The journal of the previous day having been read,

Mr. Crocker presented

A petition from E. Cramer and one hundred and twenty-two other citizens of Milwaukee, relative to a fire engine company in said town;

Which was referred to the committee on incorporations.

Mr. Newland offered the following resolution, viz:

Resolved, by the council and house of representatives, that the librarian of the territory be authorized to subscribe for as many copies of the Gazetteer of Wisconsin, [to be] published by Julius P. B. McCabe, as he may deem proper, not to exceed copies."

Mr. Dewey, from the committee on engrossment, reported as correctly engrossed the following entitled bill, viz:

No. 34, "A bill to amend an act concerning costs and fees."

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for your signature the following bills, which have been signed by the speaker of the house of representatives: 'An act to legalize the official acts of James H. Lockwood;' and 'An act to authorize Clauden Stoughton and Luke Stoughton to build and maintain a dam across the Rock river; and also, to authorize Anson W. Pope and Virgil Pope to build and maintain a dam across said stream;'

And to inform you that the house of representatives have concurred in the first and second amendments, have non-concurred in the third, and have concurred in the fourth, with an amendment, all of this house, to bill No. 8, (H. of R.) 'A bill to establish a territorial road from Prairie du Chien to Lake Superior,' in which amendment to the fourth amendment the concurrence of this house is asked.

I am directed to request a conference on bill No. 26, (C.) 'A bill to repeal the several acts concerning the militia, and for other purposes:' the house of representatives have insisted upon their amendment, and appointed Messrs. Hamilton and Tripp a committee on their part."

The acts referred to in the above message, presented for the signature of the president, were then signed by him.

The following entitled bills were then taken up, severally read third time, passed, and the titles thereof agreed to, viz:

No. 28, (H. of R.) "A bill to repeal an act incorporating the Bank of Wisconsin;" and

No. 30, (H. of R.) "A bill to authorize Silas Peck and David L. Wells to construct a dam across the Fox river."

On motion of Mr. Whiton,

The "Resolution relative to the bonds issued for the completion of the capitol," was then taken up;

And the question being, "Will the council insist on their amendments to said resolution, in which amendments the house of representatives have refused to concur?"

It was determined in the affirmative, and the council insisted on their amendments to said resolution.

The "Joint resolution relative to the distribution of American State Papers," was then taken up;

And the question being on insisting in their non-concurrence to the amendments of the house of representatives to said resolution,

On motion of Mr. Strong,

The council insisted in their non-concurrence in said amendments.

Mr. Whiton moved, that a committee of conference on the part of the council be appointed, to act with a similar committee to be appointed on the part of the house of representatives, to which it is proposed to refer the disagreeing vote of the two houses in relation to said resolutions,

Which was agreed to;

And Messrs. Whiton and Crocker were appointed said committee on the part of the council.

Memorial No. 1, (H. of R.) "Memorial to congress relative to the canal lands;"

Was then taken up, and read the first and second time.

Bill No. 8, (H. of R.) "A bill to establish a territorial road from Prairie du Chien to Lake Superior,"

Was then taken up;

And the question being on insisting in their third amendment to said bill,

It was determined in the affirmative;

And to the amendment of the house of representatives to the fourth amendment of the council,

The council refused to concur.

Bill No. 26, "A bill to amend an act of the statutes of Wisconsin relating to the militia,"

Was then taken up;

And the question being on insisting in their non-concurrence in the amendments of the house of representatives to said bill,

It was determined in the affirmative; and,

On motion of Mr. Crocker,

A committee of conference on the part of the council was appointed to act with a similar committee on the part of the house of representatives, to which it is proposed to refer the disagreeing vote of the two houses in relation to said bill;

And Messrs. Crocker and Rountree were appointed said committee on the part of the council.

On motion of Mr. Crocker,

The council went into committee of the whole for the consideration of memorial No. 1, "Memorial to congress relative to canal lands;"

And after considering the same, the committee rose, reported progress, and asked leave to sit again;

Leave was granted.

Mr. Strong, from the joint select committee to whom was referred the settlement of the accounts of Daniel Baxter, by leave, made a report, accompanied by resolutions entitled

"Joint resolutions relative to the completion of the capitol," and

"Joint resolutions to provide for receiving from the United States Treasury certain monies, and paying out the same;"

And said resolutions were severally read the first and second time.

Mr. Strong then moved, that the 30th rule of the council be suspended so far as it affected said joint resolutions,

And the ayes and noes being called for, the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. La Chapelle, Strong, White, and Whiton—4.

Those who voted in the negative, were

Messrs. Baker, Barber, Crocker, Dewey, Heath, Hugunin, Newland, Rountree, and Martin, (Pres't,)—9.

So the council refused to suspend the rule.

Mr. Strong then moved, that said joint resolutions be made the special order of the day to-morrow, and of every day thereafter until they be disposed of;

On which motion, the ayes and noes were called and the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. Baker, Barber, Crocker, Dewey, La Chapelle, Newland, Strong, White, Whiton, and Martin, (Pres't.)—10.

Those who voted in the negative, were

Messrs. Heath, Hugunin and Rountree—3.

So the motion was decided in the affirmative.

Mr. Whiton of the committee on enrolled bills, submitted the following report:

"The committee on enrollment report, that they did, on the seventh day of April, eighteen hundred and forty-three, present to his excellency the governor, for his approval, a resolution entitled "Resolution in relation to renting a certain room in the capitol to the county of Dane;" also, a bill entitled "An act to legalize the official acts of James H. Lockwood;" also, a bill entitled "An act to authorize Clauden Stoughton and Luke Stoughton to build and maintain a dam across the Rock river, and also to authorize Anson W. Pope and Virgil Pope to build and maintain a dam across said stream."

EDWARD V. WHITON, .

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

The council, on motion, took up bill No. 34, "A bill to amend an act entitled 'an act concerning costs and fees;'"

The question being on concurring to the amendments made to said bill in committee of the whole;

Mr. Strong moved that the bill be indefinitely postponed;

And the ayes and noes having been called, the result was as follows:

Those who voted in the affirmative, were

Messrs. Dewey, Strong, White, Whiton and Martin, (Pres't.)—5.

Those who voted in the negative, were

Messrs. Baker, Barber, Crocker, Heath, Hugunin, La Chapelle, Newland and Rountree—8.

So the motion was decided in the negative.

Mr. White then moved, that the bill be laid on the table;

On which motion the ayes and noes were called, and were as follows:

Those who voted in the affirmative, were

Messrs. Dewey, Strong and White—3.

Those who voted in the negative, were

Messrs. Baker, Barber, Crocker, Heath, Hugmin, La Chapelle, Newland, Rountree, Whiton and Martin (Pres't.)—10.

So the motion was lost.

The question then recurring on agreeing to the amendments made to said bill in committee of the whole,

Mr. Strong moved to amend the bill as follows:

Strike out section 3d, and insert,

“The clerk of the supreme court shall receive such fees as the clerk of the district court of the United States in the northern district of the state of New-York receives for similar services, as provided by the organic law; and for all other services he shall receive such fees as the supreme court, by its rules, may prescribe. And the clerk is authorized to issue execution, directed to the sheriff of the proper county, for all bills of cost in the supreme court, after they shall have been taxed; and in all cases in the supreme court, where the judgment in the court below is affirmed, the supreme court may issue execution, returnable to the office of the clerk in ninety days from its date.”

And the motion to amend was agreed to.

Mr. Whiton moved to amend the report of the committee of the whole to said bill, by inserting the following section, viz:

“Sec. In all actions brought in the district court, except those enumerated in the forty ninth section of an act entitled ‘an act concerning costs and fees,’ and except actions of assault and battery, for false imprisonment, for slanderous words, or for libel and actions of replevin, if the plaintiff does not recover more than fifty dollars he shall not recover any costs, unless the amount of his claim shall have been reduced by a set off of the defendant; but if the claim of the plaintiff, as proved on the trial, shall amount to more than fifty dollars, and shall be reduced by a set off of the defendant to a sum less than fifty dollars, the plaintiff shall recover his costs. The fifty-second and fifty-third sections of an act entitled ‘an act concerning costs and fees,’ are hereby repealed.”

Which motion to amend was agreed to.

On motion of Mr. Whiton,

The thirteenth section of said bill was amended, by striking out the following words, viz: "And be it further enacted."

On motion of Mr. Crocker,

The second section of the bill was amended by inserting in the second line at the end thereof, the figurss "50" instead of "40;" and inserting the following, viz:

"Entering all motions and rules, not to exceed 25."

"Entering appearance, 10."

Mr. White moved that the council take a recess till three o'clock P. M.

Which was disagreed to.

Mr. Strong moved to strike out the second section of said bill;

On which motion the ayes and noes were called, and were as follows:

Those who voted in the affirmative, were

Messrs. Barber, Dewey, Strong, White, and Martin (Pres't.)—5.

Those who voted in the negative, were

Messrs. Crocker, Heath, Hugunin, La Chapelle, Newland, Rountree and Whiton—8.

So the motion was lost.

On motion of Mr. Hugunin,

The 15th section of said bill was amended by striking out the following words, viz; "from and after its passage;" and inserting in lieu thereof, "from and after the first day of June next."

On motion of Mr. Baker,

The tenth section of said bill was struck out.

On motion of Mr. Strong,

The council took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The council resumed the consideration of bill No. 34, "A bill to amend an act entitled 'an act concerning costs and fees;'"

The question being on concurring in the amendments to said bill, made in committee of the whole.

Mr. Baker moved, that the bill be amended by striking out the twelfth section thereof;

And the motion was agreed to.

Mr. Baker moved, to amend the seventh section of the bill by inserting, after the 26th line, the following, viz:

“The same fees herein allowed to justices of the peace for taking and certifying the acknowledgment of deeds, and no more, shall hereafter be charged by supreme court commissioners and notaries public, for the same service;”

And the motion was agreed to.

Mr. Strong moved, that the bill be amended by inserting the following after section 9, viz:

“Sec. 10. Sections six and nine, of the act of which this is amendatory, are hereby revived, and shall be and continue in force and effect from and after the passage hereof;”

On which motion the ayes and noes were called, and were as follows:

Those who voted in the affirmative, were

Messrs. Baker, Heath, Hugunin, Strong, White and Whiton—6.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, La Chapelle, Newland, Rountree, and Martin (Pres't.)—7.

So the motion was decided in the negative.

Mr. Strong then moved to amend the bill by inserting the following after section 9, viz:

“Sec. 10. Section six, of the act of which this is amendatory, is hereby revived, and shall be and continue in force and effect from and after the passage hereof;”

And the ayes and noes being called for, the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. Baker, Heath, Hugunin, Strong, White, Whiton, and Martin (Pres't.)—7.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, La Chapelle, Newland, and Rountree—6.

So the motion was agreed to.

Mr. Whiton moved to amend the bill by inserting the following, to stand as the 16th section, viz:

"No costs shall be taxed without sufficient notice being given to the adverse party or his attorney, of the time and place of such taxation, if said party or his attorney resides within the county in which the judgment was recovered. The seventy-first section of an act entitled 'an act concerning costs and fees,' is hereby repealed;"

And the motion was agreed to.

Mr. Dewey moved, that the bill be amended by inserting the following, to stand as the seventeenth section thereof, viz:

"All fees shall be paid, or security therefor given, by the party requiring the services, on the same being demanded, before any officer shall be compelled to perform the same;"

And the motion was agreed to.

Mr. White moved to amend the bill, by striking out "50," in the first line of section 5, and inserting "100;"

Which motion was lost.

Mr. White then moved that the bill be amended, by striking out "6 00," in the 19th line of section 6, and inserting in lieu thereof "10 00;"

And the motion was agreed to.

The question then recurred on concurring in the amendments made to said bill in committee of the whole;

And the question was decided in the affirmative.

On motion of Mr. Rountree,

The second section of said bill was amended, by inserting the following at the end thereof, viz:

"And the clerks of the district court are authorized to issue execution for all bills of cost in said county, after they shall have been taxed by the proper officer; unless the same are embraced in some judgment of the court, other than a judgment for costs; and all executions issuing out of any district court, shall be returnable in ninety days from their date."

Mr. Dewey offered the following amendment to said bill, to stand as the 18th section, viz:

"Section 18. All suits hereafter commenced in any district court of this territory, shall, on motion, be dismissed, unless the writ be indorsed by some freeholder of the proper county, as security for costs."

On which motion, the ayes and noes were called and the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. Dewey and Strong—2.

Those who voted in the negative, were

Messrs. Baker, Barber, Crocker, Heath, Hugunin, La Chapelle, Newland, White, Whiton, and Martin, (Pres't,)—11.

So the motion to amend was lost.

Mr. Dewey then moved to amend said bill, by inserting the following, to stand as section 18, viz:

“Section 18. In all criminal prosecutions before a justice of the peace, where the complaint shall not be sustained, the prosecutor, or person instituting the complaint, shall pay the costs of the prosecution;”

Which motion to amend was lost.

The question then was, “shall the bill be engrossed for a third reading?”

And the ayes and noes having been called, the result was as follows:

Those who voted in the affirmative, were

Messrs. Baker, Barber, Heath, Hugunin, La Chapelle, Newland, Rountree and Whiton—8.

Those who voted in the negative, were

Messrs. Crocker, Dewey, Strong, White, and Martin, (Pres't,) 5.

So the bill was ordered to be engrossed.

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

“To the Legislative Council:

I have this day approved and signed a bill entitled ‘An act to legalize the official acts of James H. Lockwood;’ and a bill entitled ‘An act to authorize Clauden Stoughton and Luke Stoughton to build and maintain a dam across the Rock river; and also, to authorize Anson W. Pope and Virgil Pope to build and maintain a dam across said stream;’ and have deposited the same in the office of the secretary of the territory.

J. D. DOTY.

Executive Department,
Madison, April 7, 1843.” }

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have passed resolutions concerning the investigation of several matters therein mentioned; in which the concurrence of this house is asked."

Mr. Dewey, from the committee on engrossed bills, had leave to make a report, and he thereupon reported as correctly engrossed, the following entitled bills, viz:

No. 52, "A bill in relation to dams on the Manitouwoc river;" and,

No. 49, "A bill to revive an act entitled 'an act to incorporate the Michigan and Rock river rail road company.'"

On motion of Mr. Crocker,

The rule of the council which requires one day's notice before the introduction of a bill, was suspended so far as the bill he proposed to introduce was concerned;

And he thereupon introduced the following entitled bill, viz:

No. 53, "A bill to amend an act entitled 'an act to change the corporate limits and powers of the town of Milwaukee;'"

Which was read the first and second time; and,

On motion of Mr. Crocker,

The 30th rule of the council was suspended so far as said bill No. 53 was concerned; and,

On motion, the council then considered said bill in committee of the whole,

Mr. Hugunin in the chair.

After some time, the committee rose and reported back to the council said bill without amendment; and

The bill was then ordered to be engrossed for a third reading.

Mr. Strong, from the select committee to which had been referred bill No. 48, "A bill to provide for the manner of levying and collecting a territorial revenue," had leave to make a report, and he thereupon reported a substitute for said bill;

Which was read the first and second time.

On motion of Mr. Barber,

The council adjourned.

SATURDAY, April 8, 1843.

The council met pursuant to adjournment.

The journal of the previous day having been read,

Mr. Baker presented an account of Darwin Clark, for work in the capitol;

Which was referred to the committee on legislative expenditures.

Mr. Baker offered the following resolution, viz:

Resolved, That the secretary of the council furnish a list of the names of the members of the council to the post-master at Madison, and that the postage on all letters and papers, received by members, shall be paid out of the money appropriated by congress to defray the expenses of the present session of the legislative assembly.

Mr. Crocker offered the following resolution, which was adopted:

Resolved, That his excellency the governor, be requested to inform this house, whether the distributive share of Wisconsin, of the net proceeds of the public lands, has been drawn at the Treasury Department; if so, by whom, and when drawn; by what authority the same was drawn, and the time when said authority, if any, was given.

Mr. Newland, from the committee on territorial expenditures, to which had been referred sundry accounts, made the following reports:

“The committee on territorial expenditures to whom was referred the accounts of Thomas Eastman, and Josiah A. Noonan, for advertising proposals to complete the capitol at Madison, report, that by reference to the act of the last session of the legislative assembly, making appropriations to be paid out of the territorial treasury, ten dollars was appropriated to each of the individuals above named for that service.

Your committee, therefore, deem it inexpedient to recommend any additional appropriation, and ask to be discharged from the further consideration of the subject.

Respectfully submitted,

D. NEWLAND, Chairman.”

"The committee on territorial expenditures, to whom was referred the account of W. W. Wyman, for printing blank commissions, and the orders of the commander-in-chief, report, that in the opinion of the committee, said account should be paid out of the contingent fund appropriated to the executive.

Your committee, therefore, ask to be discharged from the further consideration of the subject.

Respectfully submitted,

D. NEWLAND, Chairman."

"The committee on territorial expenditures, to whom was referred the accounts of D. M. Whitney, brigade inspector, for attending parades of commissioned and non-commissioned officers, and the account of Thomas Eastman, H. O. Sholes, and J. A. Noonan, for publishing general and regimental orders, report, that the laws of the territory provide for the payment thereof, and that they are proper subjects for the action of the auditor.

The committee, therefore, ask to be discharged from the further consideration of the same.

Respectfully submitted,

D. NEWLAND, Chairman."

All of which reports were severally adopted, and the committee discharged from the further consideration of the subjects referred to therein.

On motion of Mr. Newland,

The committee on territorial expenditures were discharged from the further consideration of the account of J. A. Noonan for printing the election law, passed at the last session; and,

On motion, said account was referred to the committee on legislative expenditures.

Mr. Dewey, from the committee on engrossed bills, reported the following to be correctly engrossed, to wit:

No. 53, "A bill to amend an act entitled 'an act to amend an act to change the corporate limits and powers of the town of Milwaukee.'"

The following entitled bill was taken up and read the third time, viz:

No. 49, "A bill to revive an act entitled 'an act to incorporate the Michigan and Rock river rail road company;'"

And the question being on the passage thereof,

A call of the council was had, whereupon,

Mr. Whiton was reported absent,

The sergeant-at-arms was despatched for Mr. Whiton, and having reported him to be in his seat, further proceedings under the call of the council were suspended.

The question then recurring on the passage of said bill,

And the ayes and noes having been called, it was decided in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Baker, Heath, Hugunin, and White—4.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, La Chapelle, Newland, Rountree, Strong, Whiton, and Martin (Pres't.)—9.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in bills of this house of the following titles:

No. 37, "A bill to alter the boundaries of certain towns in the counties of Racine and Rock;" and

No. 33, "A bill to change the names of certain towns in Walworth county;"

And have passed bill No. 41, "A bill for an act to make valid the official acts of Frederick Borchardt, a justice of the peace," in which the concurrence of this house is asked.

The governor has notified the house of representatives that he did, on the 7th inst., approve the 'Resolution for renting a certain room in the capitol to the county of Dane.'

The following entitled bills were then taken up, severally read the third time, passed, and titles thereof agreed to, viz:

No. 52, "A bill in relation to dams on the Manitowoc river;"

No. 53, "A bill to amend an act entitled 'an act to amend an act to change the corporate limits and powers of the town of Milwaukee.'"

On motion of Mr. Baker,

The "Resolution relative to postage," was taken up;

And the question being on the adoption of the same,

The ayes and noes were called, and the question was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Baker, Heath, Hugunin, La Chapelle, Newland, Rountree, Strong, White, Whiton, and Martin (Pres't.)—10.

Those who voted in the negative, were

Messrs. Barber, Crocker, and Dewey—3.

On motion of Mr. Strong,

The following entitled joint resolutions were taken up and considered in committee of the whole,

Mr. Baker in the chair:

“Joint resolutions to provide for receiving from the United States' treasury certain moneys, and paying out the same;”

“Joint resolutions relative to the distributive share of Wisconsin in the net proceeds of the public lands;”

“Joint resolutions relative to the completion of the capitol.”

After considering said joint resolutions, the committee rose and reported progress thereon, and asked leave to sit again;

And leave was granted.

On motion of Mr. White,

The council took a recess till 3 o'clock P. M.

THREE O'CLOCK, P. M.

On motion of Mr. Strong,

The council resumed its session in committee of the whole, for the consideration of the following joint resolutions,

Mr. Baker in the chair;

“Joint resolutions relative to the distributive share of Wisconsin in the net proceeds of the public lands;”

“Joint resolutions to provide for receiving from the United States' treasury certain moneys, and paying out the same;”

“Joint resolutions relative to the completion of the capitol.”

Pending the consideration thereof a message from the governor being announced, the president took the chair, when the following message was delivered by the governor's private secretary, Mr. Charles Doty:

"To the Legislative Council:

I have the honor to state, in reply to the resolution of the council this day passed, that I have no knowledge that the distributive share of Wisconsin to the net proceeds of the public lands, has been drawn from the treasury of the United States.

J. D. DOTY.

Executive Department, }
Madison, April 8, 1843."}

The committee then resumed its session in committee of the whole, when the clerk of the house of representatives was announced. The president took the chair, and the following message was received:

'Mr. President: The house of representatives have insisted upon their disagreement to 'Resolutions relative to the bonds issued for the completion of the capitol;' and have insisted upon their amendments to the amendments of this house to bill No. 8, 'A bill to establish a territorial road from Prairie du Chien to Lake Superior,' and request a conference thereon. Messrs. Hamilton and Platt have been appointed of the committee on their part, to which it is proposed to refer the said disagreement relative to the said bill.

The house of representatives have concurred in a resolution of this house, instructing the joint committee on territorial expenditures, to inquire into the indebtedness of this territory, with an amendment, in which the concurrence of the council is asked.

I am directed to present for the signature of the president the following bills, which have been signed by the speaker of the house of representatives, viz:

'An act to repeal an act to incorporate the State Bank of Wisconsin;' and

'An act to authorize Silas Peck and David L. Wells to construct a dam across the Fox river.' "

The acts referred to in the above message, requiring the signature of the president, were then signed by him.

The committee of the whole then resumed its session, and after some time, rose and reported "Joint resolutions relative to the completion of the capitol," with amendments; and that they had made progress on "Joint resolution relative to the distributive

share of Wisconsin in the net proceeds of the public lands;" and also upon "Joint resolutions to provide for receiving from the United States Treasury certain monies, and paying out the same," and asked leave to sit again thereon, and

Leave was granted.

The question then being on agreeing to the report of the committee of the whole, on "Joint resolutions relative to the completion of the capitol;"

Mr. Strong moved to amend the same, by adding the following, viz:

"And shall give said Baxter a certificate that he has executed and delivered to him such a release, and upon the presentation by said Baxter of such certificate to the auditor of the territory, the auditor shall issue to him a warrant on the territorial treasurer for the sum of thirteen hundred and seventy-two dollars and fourteen cents."

On which motion the ayes and noes were called, and were as follows:

Those who voted in the affirmative, were

Messrs. La Chapelle and Strong—2.

Those who voted in the negative, were

Messrs. Baker, Barber, Crocker, Dewey, Heath, Hugunin, Newland, Rountree, White, Whiton, and Martin, (Pres't,)—11.

So the motion to amend was disagreed to.

Mr. Strong then moved to amend the report of the committee, by adding the following:

"And shall give said Baxter a certificate that he has executed and delivered to him such a release, and upon the presentation by said Baxter of said certificate to the auditor of the territory, the auditor shall issue to him a warrant on the territorial treasurer for the sum of dollars."

On which motion the ayes and noes were called, and were as follows:

Those who voted in the affirmative, were

Messrs. La Chapelle, Newland, Strong, White and Whiton—5.

Those who voted in the negative, were

Messrs. Baker, Barber, Crocker, Dewey, Heath, Hugunin, Rountree, and Martin, (Pres't,)—8.

So the motion was lost.

Mr. Strong then offered the following, to be adopted as a substitute for the report of the committee, viz:

"That the superintendent of territorial property shall immediately cause a suit to be instituted against Daniel Baxter and his sureties, on his contract to complete the capitol, for damages sustained by reason of his non-compliance with said contract, and on the trial of such suit, it shall be lawful for the defendants to plead in offset, any claim of the said Baxter against the territory for extra work on the capitol, or for damages sustained in consequence of any depreciation of bonds which have been paid to or purchased by him, or any other equitable claim of said Baxter on the territory, and if the jury shall find a balance in his favor, the court shall be authorized to render a judgment against the territory, according to said verdict."

On which motion, the ayes and noes were called and the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. La Chapelle, Newland, Strong and White—4.

Those who voted in the negative, were

Messrs. Baker, Barber, Crocker, Dewey, Heath, Hugunin, Rountree, Whiton, and Martin, (Pres't,)—9.

So the substitute was rejected.

The question then recurring on agreeing to the report of the committee of the whole,

And the ayes and noes having been called, the result was as follows:

Those who voted in the affirmative, were

Messrs. Baker, Barber, Crocker, Dewey, Heath, Hugunin, Rountree, Whiton, and Martin, (Pres't,)—9.

Those who voted in the negative, were

Messrs. La Chapelle, Newland, Strong and White—4.

So the report of the committee of the whole was agreed to.

Mr. Strong then moved, that said resolutions, as amended, be indefinitely postponed;

And the ayes and noes being called for, the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, La Chapelle, Strong, White, and Martin, (Pres't,)—6.

Those who voted in the negative, were

Messrs. Baker, Dewey, Heath, Hugunin, Newland, Rountree, and Whiton—7.

So the motion to postpone was negatived.

Mr. Crocker, by leave, presented

A petition from H. Luddington and others, citizens of the town of Milwaukee, praying an amendment of the charter of said town, so as to enable the citizens thereof to levy a special tax;

Which was referred to the committee on incorporations.

Mr. Dewey, from the committee on engrossed bills, reported the following to be correctly engrossed, to wit:

No. 34, "A bill to amend an act entitled 'an act concerning costs and fees.' "

Mr. Newland gave notice, that on some future day he should ask leave to introduce a bill to increase the number of justices of the peace.

On motion of Mr. Strong,

The rule of the council which requires one day's notice before the introduction of a bill, was suspended, so far as the bill he proposed to introduce was concerned, and he thereupon, by leave, introduced the following entitled bill, viz:

No. 54, "A bill in relation to the election of a territorial printer;"

Which was read the first and second time; and,

On motion of Mr. Strong,

The rule of the council which requires bills to be printed before being considered in committee of the whole, was suspended so far as bill No. 54 was concerned.

Mr. Rountree, by leave, introduced the following resolutions, viz:

Resolved, That the president and secretary of the council be directed to give certificates to the officers of the council, for the number of days of their attendance at the several sessions of the legislative assembly, including the sessions commenced on the first Monday of December, 1842, and the several subsequent sessions or meetings thereof.

Resolved, That each of the officers of the council be allowed three dollars per day, for each day of their attendance at the several meetings or sessions of the legislative assembly, commencing on the first Monday of December, 1842, and ending the 17th instant.

Which were adopted.

Mr. Crocker, by leave, offered the following resolution:

Resolved, That the governor be requested to inform this house whether he has given authority to any person or persons to draw or receive from the Treasury Department, the distributive share of Wisconsin in the net proceeds of the public lands, and if he has given such authority, to whom, and when the same was given.

Which was adopted.

Mr. Whiton, by leave, offered the following resolution:

Resolved, That the morning sessions of the council shall, hereafter, commence at 9 o'clock, A. M., until otherwise ordered.

Which was adopted.

On motion of Mr. Strong,
The council adjourned.

MONDAY, April 10, 1843.

The council met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The journal of the previous day having been read,

The president laid before the council

A memorial from A. Finch, jr. and others, citizens of Milwaukee, praying for the repeal of certain laws relative to land sold for taxes;

Which was referred to the committee on the judiciary.

Mr. Baker moved for leave to be absent for the remainder of the session;

On which motion, the ayes and noes having been called, it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, Newland, Rountree, White and Martin, (Pres't,)—9.

Those who voted in the negative, were

Messrs. La Chapelle, Strong and Whiton—3.

Mr. Strong moved for leave to be absent for the remainder of the session;

On which motion, the ayes and noes having been called, it was decided in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Baker, Barber, Crocker, Dewey, Heath, Rountree, White and Martin, (Pres't,)—8.

Those who voted in the negative, were

Messrs. Hugunin, La Chapelle, Newland and Whiton—4.

Mr. Hugunin presented

A petition from citizens of the town of Southport, and a petition from citizens of town one, range twenty-three, for the addition of town one, range twenty-three, to the town of Southport;

Which were referred to the committee on incorporations.

Mr. La Chapelle offered the following resolution:

Resolved, That the president and secretary of the council be authorized to issue a certificate to Robert L. Ream for twelve days service in engrossing bills for the council at the session commencing on the 6th and ending on the 25th March, 1843. Also, a certificate for twenty-two days service at the present session, commencing on the 27th day of March, and ending on the 17th day of April, 1843, at three dollars per day.

Mr. Whiton, from the committee on incorporations, reported the following entitled bills, viz:

No. 55, "A bill to organize the town of Pike Grove, in the county of Racine;"

No. 56, "A bill relative to taxes in the county of Milwaukee;"

No. 57, "A bill to amend the act authorizing Samuel H. Farnsworth to build and maintain a dam on the Menomonee river."

Which were severally read the first and second time.

On motion of Mr. Whiton,

The 30 rule of the council was suspended in relation to bill No. 55.

Mr. Whiton, from the committee on enrolled bills, reported the following entitled bills and joint resolution as correctly enrolled:

No. 30, "A bill to repeal the fourth section of 'an act to organize the county of St. Croix,' and to legalize the acts of certain officers in said county, and for other purposes;"

No. 32, "An act to change the name of certain towns in Walworth county;"

No. 35, "A bill relative to Dodge county;"

No. 37, "A bill to alter the boundaries of certain towns in the counties of Racine and Rock;" and

"Joint resolution relative to wood furnished for the legislative assembly."

Mr. Newland, from the committee on territorial expenditures, reported the following entitled bill, viz:

No. 58, "A bill to provide for the payment of certain territorial debts therein named;"

Which was read the first and second time.

On motion of Mr. Newland,

The 30th rule of the council was suspended in relation to said bill No. 58.

Mr. Crocker, from the committee of conference to whom the subject was referred, made the following report, viz:

"The committee of conference on the disagreeing vote of the two houses upon bill No. 26, 'A bill to amend an act of the statutes of Wisconsin, relating to the militia,' recommend that the amendments of the house of representatives be adopted as far as the word 'excepting,' in the second section, and by adding, after the word 'repealed,' the words, 'and no expenses now authorized by any of the laws of this territory relating to the militia, shall be paid out of the territorial treasury.'"

Bill No. 34, "A bill to amend an act concerning costs and fees," was then taken up, read the third time,

And the question being on the passage of the same,

The ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Baker, Heath, Hugunin, La Chapelle, Newland, Rountree, and Whiton—7.

Those who voted in the negative, were Messrs. Barber, Crocker, Dewey, Strong, White and Martin (Pres't.)—6.

The title thereof was then agreed to.

Mr. Baker, from the joint select committee on township government, to which had been referred bill No. 3, entitled "A bill relative to taxes for school purposes," reported back to the council said bill, and recommended the indefinite postponement of the same, and asked that the committee be discharged from its further consideration.

On motion of Mr. Hugunin,

The rule of the council which requires one day's notice before the introduction of a bill, was suspended so far as the bill he proposed to introduce was concerned;

And, on leave, he introduced the following entitled bill:

No. 59, "A bill to authorize the erection of a bridge across Pike Creek,"

Which was read the first and second time.

On motion of Mr. Hugunin,

The 30th rule of the council was suspended in relation bill No. 59.

Mr. Strong, from the committee on the judiciary, to which had been referred certain communications from the president of the Milwaukee and Rock river canal company, reported "Joint resolutions relative to making a settlement with the Milwaukee and Rock river canal company;"

Which were read the first and second time.

Mr. Newland, pursuant to previous notice, asked and obtained leave to introduce the following entitled bill, viz:

No. 50, "A bill to authorize the election of an additional number of justices of the peace in certain towns;"

Which was read the first and second time.

On motion of Mr. Strong,

The vote by which the "Resolution relative to postage" was adopted, on the 8th inst., was reconsidered;

And the question then being on its adoption,

On motion of Mr. Strong,

The same was amended in the 6th line, by inserting after the word "papers," the words "sent or;"

And then the resolution was adopted.

On motion of Mr. La Chapelle,

Bill No. 44, "A bill relative to the assessors of Crawford county;" was taken up;

Said bill was then read the third time, and passed,

And the title thereof agreed to.

"Resolutions relative to the bonds issued for the completion of the capitol," were taken up for consideration; and,

Mr. Strong moved, that a committee of conference be appointed on the part of the council, in relation to the disagreement with the house on said resolutions.

The motion was agreed to, and

Messrs. Strong and Newland were appointed said committee.

"Joint resolutions relative to the debt of the territory, on account of the Milwaukee and Rock river canal company," were taken up for consideration;

And the question being on concurring in the amendments of the house of representatives thereto,

It was determined in the negative,

And the amendments were not concurred in.

Bill No. 8, (H. of R.) "A bill to establish a territorial road from Prairie du Chien to Lake Superior," was then taken up, and

Mr. La Chapelle moved, that a committee of conference on the part of the council, in relation to the disagreement with the house of representatives on said bill, be appointed;

Which motion was agreed to, and

Messrs. La Chapelle and Barber were appointed said committee.

Mr. Barber moved that he be excused from serving on said committee;

And the motion was agreed to.

Whereupon Mr. Newland was appointed in place of Mr. Barber.

"Joint resolutions relative to the distributive share of Wisconsin in the net proceeds of the public lands," were taken up, and,

On motion of Mr. Strong,

The resolutions were laid upon the table.

On motion of Mr. Strong,

The council resolved itself into a committee of the whole, for the consideration of bill No. 48, "A bill to provide for the manner of levying and collecting a territorial revenue;"

Mr. Baker in the chair.

After some time, the committee rose and reported that they had made progress therein, and asked leave to sit again;

And leave was granted.

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

On the 20th day of July last, a suit was commenced in the district court for the county of Dane, against the "Territory of Wisconsin," by William Doughty, to recover the interest due on two bonds issued by the hon. Henry Dodge, as governor of this territory, for the sum of one thousand dollars each, dated the 15th day of March, 1841.

The summons which was served upon me as the executive of the territory, is herewith submitted, that such steps may be taken on the part of the territory as to you may appear necessary, either for the payment of the demand, or for the defence of the suit.

The question is thus presented, whether the people of the territory can, by the name of "the Territory of Wisconsin," sue and be sued.

J. D. DOTY.

Executive Department,
Madison, April 10, 1843."}

On motion of Mr. Strong,

The foregoing message and accompanying documents were referred to the committee on the judiciary.

The following message from the house of representatives was delivered by the clerk thereof, viz:

Mr. President: I am directed to present the following bills and resolution for your signature, which have been signed by the hon. George H. Walker, elected speaker pro tem. of the house of representatives, to wit:

'An act to repeal the fourth section of 'an act to organize the county of St. Croix,' and to legalize the acts of certain officers in said county, and for other purposes;'

‘An act relating to Dodge county;’

‘An act to alter the boundaries of certain towns in the counties of Racine and Rock;’

‘An act to change the names of certain towns in Walworth county;’ and

‘Resolution relative to wood furnished for the legislative assembly.’ ”

The bills and resolution referred to in the above message, requiring the signature of the President, were then signed by him.

Mr. Hugunin moved, that the council go into a committee of the whole, for the consideration of bill No. 59, “A bill to authorize the erection of a bridge across Pike Creek;”

Which was agreed to; and,

On motion of Mr. Newland,

The 30th rule of the council was suspended in relation to bill No. 60, “A bill to authorize the election of an additional number of justices of the peace in certain towns;” and then,

On motion of Mr. Newland,

The same was referred to the committee of the whole;

Thereupon the council considered said bills, No. 59 and No. 60, in committee of the whole;

Mr. Barber in the chair;

And after some time, the committee rose and reported said bills back to the council without amendment;

And, on motion, said bills were then ordered to be engrossed for a third reading.

Mr. Strong, from the committee on the judiciary, to which was referred bill No. 51, “A bill relative to the sale of lands for taxes,” reported said bill without amendment.

Mr. White moved that the council take a recess till 3 o'clock, P. M.;

Which was disagreed to.

On motion of Mr. Newland,

The council took a recess till 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The president laid before the council an account from John V. Ingersoll.

On motion of Mr. Strong,

The council resumed its session in committee of the whole, for the consideration of bill No. 48, "A bill to provide for the manner of levying and collecting a territorial revenue,"

Mr. Newland in the chair; and

Pending the consideration thereof, the clerk of the house of representatives being announced, the president resumed the chair, and the following message was received, to wit:

"Mr. President: The house of representatives have insisted upon their amendment to a resolution entitled 'Joint resolution relative to the debts of the territory on account of the Milwaukee and Rock river canal,' and have appointed Messrs. Hunkins and Hamilton of the committee to confer with the committee appointed on the part of this house, to which is referred a resolution relative to the bonds issued for the completion of the capitol.

The governor has notified the house of representatives, that he did, on this day, the 10th instant, approve the following bills, viz:

'An act to authorize Silas Peck and David L. Wells to construct a dam across the Fox river,' and

'An act to repeal an act incorporating the State Bank of Wisconsin.'"

The committee then resumed its session; and after some time rose, and reported back to the council said bill with amendments, in which the council concurred.

The question then being on ordering the bill to be engrossed for a third reading,

The ayes and noes were called, and the question was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, Heath, Hugunin, La Chapelle, Strong and Whiton—7.

Those who voted in the negative, were

Messrs. Barber, Newland, Rountree, White, and Martin, (Pres't,) —5.

On motion of Mr. Whiton,

The 30 rule of the council was suspended in relation to bill No. 56, entitled

"A bill in relation to taxes in the town of Milwaukee;" and resolutions, entitled

"Joint resolutions relative to making a settlement with the Milwaukee and Rock River Canal Company."

Mr. Strong, by leave, introduced the following resolution:

Resolved, by the council, if the house of representatives concur, that no new bill shall be introduced into either house, after Wednesday, the 12th day of April, and no bill shall be sent from one house to the other, after Friday, the 14th instant, unless the same shall have previously passed the house to which it is sent.

Mr. Whiton moved to amend said resolution, by inserting between the words "bill" and "shall," the following words: "except appropriation bills;"

Which was disagreed to,

And then the resolution was adopted.

On motion of Mr. Whiton,

The council resolved itself into a committee of the whole, for the consideration of the following entitled bill and joint resolutions:

Mr. Rountree in the chair:

No. 56, "A bill in relation to taxes in the town of Milwaukee;" and

"Joint resolutions relative to making a settlement with the Milwaukee and Rock River Canal Company."

After some time, the committee rose and reported back to the council said bill and joint resolutions, with amendments; in which the council concurred.

And the question then being on ordering said resolutions to be engrossed for a third reading;

The ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, Heath, La Chapelle, Newland, Rountree, Strong, White, Whiton, and Martin, (Pres't,)—11.

Mr. Hugunin voted in the negative.

The question then being on ordering said bill No. 56, to be engrossed for a third reading, it was determined in the affirmative,

And the bill was ordered to be engrossed.

Mr. Strong moved a suspension of the rule relating to the introduction of bills,

Which was agreed to, and he thereupon introduced Bill No. 61, "A bill to repeal a part of an act therein mentioned;"

Which was read the first and second time.

On motion of Mr. Strong,

All rules which would prevent the passage of said bill then, were suspended;

And the bill was then read the third time, passed, and the title thereof agreed to.

Mr. Whiton moved a suspension of the rule relating to the introduction of bills,

Which was agreed to, and he thereupon introduced the following entitled bill, viz: .

No. 62, "A bill to amend an act entitled 'an act to change the time of holding courts in certain counties in the second judicial district,' and to provide for a change of venue in criminal cases;"

Which was read the first and second time; and,

On motion, the 30th rule of the council was suspended so far as said bill No. 62 was concerned.

Mr. Dewey, from the committee on engrossed bills, reported the following to be correctly engrossed, to wit:

No. 59, "A bill to authorize the erection of a bridge across Pike creek;" and

No. 60, "An act to authorize the election of an additional number of justices of the peace in certain towns."

Mr. Hugunin moved, that the rule of the council which declares that no bill shall be read a second and third time on the same day, be suspended as to bills Nos. 59 and 60;

Which was agreed to,

And the bills were then severally read the third time and passed,

And the title to bill No. 59 agreed to.

The question then being on agreeing to the title of bill No. 60,

On motion of Mr. Crocker,

The same was amended so as to read, "A bill to authorize the election of an additional justice of the peace in certain towns;"

And the title, as amended, was then agreed to.

On motion of Mr. La Chapelle,

The resolution relative to issuing a certificate for the services of Robert L. Ream, was taken up and adopted.

On motion of Mr. Strong,
The council adjourned.

TUESDAY, April 11, 1843.

The council met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The journal of the previous day having been read,

A message from the governor on executive business was received; also,

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

I have the honor to state in reply to your second resolution of the 8th instant, that it is provided by the 3d section of an act entitled 'An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights,' 'that the several sums of money received in the treasury as the net proceeds of the sales of the public lands, shall be paid at the treasury, half-yearly, on the first day of January and July in each year during the operation of this act, to such person or persons as the respective legislatures of the said states and territories, or the governor thereof, in case the legislatures shall have made no such appointment, shall authorize and direct to receive the same.'

The legislature having failed at its session in February, 1842, to appoint a person to receive the share due to Wisconsin, and in order that this fund might be placed on interest until it should be required for the use of the territory, in compliance with a communication made to me from the Treasury Department in January last, I authorized David Lambert, Esq., to draw the distributive share of Wisconsin in a treasury note, bearing the usual rate of in-

terest allowed by the laws of the United States, if the secretary of the treasury would allow the note to be deposited in the treasury of the United States, to the credit of the territory, deeming that the proper place in which to deposit it for security.

The secretary declined to issue this note, on the ground that he had no authority to make the payment in this manner; and I have not since renewed the authority to Mr. Lambert or to any other person, as the assembly was about to convene in special session, when the letter of the secretary of the treasury, of the 30th January, was received.

If, however, the legislature does not otherwise direct, I shall deem it my duty to cause this fund to be drawn and invested in treasury notes of the United States, that it may be upon interest until it is appropriated by law.

I submit herewith the correspondence between the Treasury Department and myself on this subject, and as the letters are the originals, I respectfully ask that they may be returned to this office after they are no longer required by the council for its use.

J. D. DOTY.

Executive Department, }
Madison, April 10, 1843."}

On motion of Mr. Crocker,

The foregoing message and accompanying documents were referred to the committee on territorial affairs.

Mr. Whiton, from the committee on enrolled bills, made the following report:

"The committee on enrollment report, that they did, on the tenth day of April, eighteen hundred and forty-three, present to his excellency the governor, for his approval, a bill entitled "An act to authorize Silas Peck and David L. Wells to construct and maintain a dam across Fox river;" also, a bill entitled "An act to repeal 'an act incorporating the State Bank of Wisconsin;'" also, a bill entitled "An act relative to Dodge county;" also, a bill entitled "An act to alter the boundaries of certain towns in the counties of Racine and Rock;" also, a bill entitled "An act to repeal the 4th section of an act entitled 'an act to organize the county of St. Croix,' and to legalize the acts of certain officers in said county, and for other purposes;" also, a bill entitled "An act to change

the name of certain towns in Walworth county;" also, resolution entitled "Resolution relative to wood furnished for the legislative assembly."

EDWARD V. WHITON,

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

The report of the committee of conference relative to bill No. 26, entitled "A bill to repeal the several acts concerning the militia, and for other purposes," was taken up,

And the question being on the adoption thereof,

It was decided in the affirmative, and the report was adopted.

Mr. Dewey, from the committee on engrossed bills, reported as correctly engrossed, the following entitled bill, viz:

No. 48, "A bill to provide for the manner of levying and collecting a territorial revenue."

Mr. Strong, from the committee on the judiciary, made the following report, viz:

"The judiciary committee, to whom was referred a message of the governor, in relation to a suit commenced against the Territory of Wisconsin, by William Doughty, together with a copy of the summons which was served on the executive, report:

That if it was the appropriate duty of the executive to make the communication to the council, he has been extremely negligent in delaying, until this day, the performance of that duty.

The committee cannot agree with the governor, that "the question is thus presented, whether the people of the territory can, by the name of the 'Territory of Wisconsin,' sue and be sued;" but if any such question is "thus presented," it is only the question whether the territory *can be sued*, and not whether the territory *can sue*.

The committee are of the opinion that the present attorney general is not competent, suitably to represent the interest of the territory in a matter of so much importance to the territory, and they therefore recommend the adoption of a joint resolution to provide for the election of some suitable person to defend the suit of William Doughty against the territory."

Mr. Strong thereupon submitted the following joint resolution, to wit:

Resolved, by the council, (if the house of representatives concur,) that the two houses of the legislative assembly will meet in the representatives hall on Saturday, the 15th of April, instant, to elect some person to defend a suit, pending in Dane county, against the territory, in favor of William Doughty.

Mr. Crocker, from the committee on territorial affairs, to which had been referred the message of the governor and accompanying documents of this day, made the following report, viz:

"The committee on territorial affairs, to whom was referred the communication of the governor, relative to the distributive share of Wisconsin in the net proceeds of the public lands, recommend the passage of the first resolution reported by said committee on the 6th inst."

Mr. Strong moved, that resolutions (H. of R.) entitled "Resolutions concerning the investigation of several matters therein mentioned," be taken up and adopted;

On which motion, the ayes and noes having been called, it was decided in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Heath, Hugunin, Newland, Rounfree, Strong and Whiston—6.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, La Chapelle, White and Martin, (Pres't,)—6.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for the concurrence of this house the following bills of the house of representatives, viz:

No. 10, 'A bill concerning removals from office;'

No. 38, 'A bill to repeal an act concerning the admission of attorneys at law, and for other purposes;'

No. 42, 'A bill for an act authorizing the governor to offer rewards for the apprehension of criminals in certain cases;'

And to inform you that the house of representatives have concurred in bill No. 31, (of this house,) 'A bill to abolish certain of-

fices therein named,' with amendments, in which the concurrence of the council is asked.

I am further directed to inform this house that the house of representatives have adopted the joint report of the committee of conference on bill No. 8, (H. of R.) 'A bill to establish a territorial road from Prairie du Chien to Lake Superior;' and have also adopted the joint report of the committee of conference on the disagreement of the two houses relative to bill No. 26, (of this house,) 'A bill to repeal the several acts concerning the militia, and for other purposes.' "

Mr. La Chapelle, from the committee of conference on bill No. 8, (H. of R.) entitled "A bill to establish a territorial road from Prairie du Chien to Lake Superior," made the following report, and moved its adoption, viz:

"The committee of conference on the disagreeing vote of the two houses on 'A bill to establish a territorial road from Prairie du Chien to Lake Superior,' report:

That it is recommended to the council to recede from all its amendments of the third section, excepting to strike out the words in the said third section, viz: 'such sum as they may think just and reasonable, including;' and they further recommend to amend the 11th section, by striking out the names of 'William R. Hesk and Narcisse Juneau,' and inserting 'Francis McCarty and John S. Rockwell,' and that the house concur in the above amendments."

The question being upon the adoption of said report,

And the ayes and noes being called for, the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. La Chapelle, Newland, Rountree and Strong—4.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, White, Whiton and Martin, (Pres't,)—8.

Mr. Strong then moved that another committee of conference be appointed on said bill.

Mr. Whiton moved to amend the motion by striking out all after the word "that," and inserting in lieu thereof, the following: "the council adhere to its amendment:"

On which motion, the ayes and noes were called and the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. Barber, Heath, Hugunin, White, Whiton and Martin, (Pres't,)—6.

Those who voted in the negative, were

Messrs. Crocker, Dewey, La Chapelle, Newland, Rountree and Strong—6.

So the motion was lost.

The question then recurring on the motion of Mr. Strong, to appoint a committee of conference,

The ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, Heath, La Chapelle, Newland, Rountree, Strong, and Martin, (Pres't,)—9.

Those who voted in the negative, were

Messrs. Hugunin, White and Whiton—3.

Thereupon Messrs. Strong and Whiton were appointed a committee of conference on the part of the council.

“Joint resolutions relative to the distributive share of Wisconsin in the net proceeds of the public lands,” were then taken up, and

On motion of Mr. Crocker,

The council resumed its session in committee of the whole for the consideration of said joint resolutions,

Mr. Barber in the chair.

After some time, the committee rose, reported progress and asked leave to sit again thereon;

And leave was granted.

Mr. Dewey, from the committee on engrossed bills, reported the following to be correctly engrossed, to wit:

No. 56, “A bill in relation to taxes in the town of Milwaukee;” and

“Joint resolutions relative to making a settlement with the Milwaukee and Rock River Canal Company.”

On motion of Mr. Strong,

Bill No. 48, “A bill to provide for the manner of levying and collecting a territorial revenue,”

Was taken up and read the third time;
And the question being on the passage thereof,
The ayes and noes were called, and the question was determined in the affirmative, as follows:

Those who voted in the affirmative, were
Messrs. Crocker, Dewey, Heath, Hugunin, La Chapelle, Newland, Strong, and Whiton—8.

Those who voted in the negative, were
Messrs. Barber, Rountree and Martin, (Pres't,)—3.

The question then being on agreeing to the title thereof,

On motion of Mr. Strong,

The same was amended so as to read, "A bill to provide for levying and collecting a territorial revenue."

On motion of Mr. Newland,

Bill No. 56, "A bill in relation to taxes in the town of Milwaukee,"

Was taken up, read the third time, and passed;

And the question being on agreeing to the title thereof,

On motion of Mr. Crocker,

The same was amended so as to read as follows:

"A bill to amend the several acts relative to the town of Milwaukee;"

And the title, as amended, was then agreed to.

On motion of Mr. Crocker,

"Joint resolutions relative to making a settlement with the Milwaukee and Rock river canal,"

Were taken up, read the third time, and passed;

And the title thereof was then agreed to.

On motion of Mr. Strong,

The council took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

On motion of Mr. Strong,

Bill No. 50, entitled "A bill concerning the City of the Four Lakes,"

Was taken up, read the third time, and passed;

And the title thereof was then agreed to.

Mr. Strong, from the committee of conference to whom the subject had been referred, made the following report, viz:

The second committee of conference, to whom was referred the disagreement between the two houses on bill No. 8, (H. of R.) report, that they recommend the house to recede from their disagreement to the third amendment of the council, and that the house modify their amendment to the fourth amendment of the council, by striking out the names of "William R. Hesk, and Narcisse Juneau," and inserting "John S. Rockwell and Francis M' Carty."

Which report was, on motion, adopted.

Mr. Strong, from the committee of conference to whom the subject had been referred, made the following report, viz:

"The committee of conference, to whom was referred the disagreement between the two houses upon joint resolutions entitled "Resolutions relative to the bonds issued for the completion of the capitol," report, that they recommend to the council to modify its amendment, by inserting after the word "report," the words, "in relation to the purchase of bonds at a discount;" and that they recommend to the house to concur in the amendment of the council, as thus modified."

The following entitled bills were taken up,

And severally read the first and second time, viz:

No. 10, (H. of R.) "A bill concerning removals from office;"

No. 42, (H. of R.) "A bill for an act authorizing the governor to offer rewards for the apprehension of criminals in certain cases;"

No. 38, (H. of R.) "A bill to repeal an act concerning the admission of attorneys at law, and for other purposes."

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have concurred in bills and a resolution of this house as follows, to wit:

No. 44, 'A bill relative to the assessors of Crawford county;'

No. 61, 'A bill to repeal a part of an act therein mentioned;'

No. 39, 'A bill to amend an act entitled an act to provide for the government of the several towns in this territory, and for the revision of county government;'

'Resolution to limit the time for bringing in and sending bills;'

In the last named bill and resolution, with amendments, in which the concurrence of this house is asked.

I am directed to present, for the concurrence of this house, the following resolution, viz:

No. 5, 'Resolution to rescind a resolution to provide an office for the auditor and treasurer of the territory;'

And to inform you, that Messrs. Darling and Walker have been appointed of the committee of conference to confer further in relation to bill No. 8, (H. of R.) 'A bill to establish a territorial road from Prairie du Chien to Lake Superior.' "

On motion of Mr. Strong,

"Resolution to limit the time for bringing in and sending bills,"

Was taken up for consideration;

And the question being on concurring in the amendments of the house of representatives to said resolution, the same were concurred in by the council;

And said resolution is as follows:

Resolved, by the council, if the house of representatives concur, that no new bill shall be introduced in either house after Wednesday, the 12th day of April.

Mr. Whiton, from the committee on enrolled bills, reported as correctly enrolled, bill

No. 61, "A bill to repeal a part of an act therein mentioned."

Resolution No. 5, "Resolution to rescind a resolution to provide an office for the auditor and treasurer of this territory;"

Was then taken up and read the first and second time.

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

I have approved and signed bills with the following titles, to wit:

'An act relative to Dodge county;'

'An act to change the name of certain towns in Walworth county;'

'An act to alter the boundaries of certain towns in the counties of Racine and Rock;'

'An act to repeal the fourth section of an act entitled 'an act to organize the county of St. Croix,' and to legalize the acts of certain officers in said county, and for other purposes;' also,

‘Resolution relative to wood furnished for the legislative assembly;’

And have deposited the same in the office of the secretary of the territory.

J. D. DOTY.

Executive Department, }
Madison, April 10, 1843.” }

On motion of Mr. Newland,

Bill No. 58, “A bill to provide for the payment of certain territorial debts therein named,” was taken up and considered in committee of the whole;

Mr. White in the chair;

And after some time, the committee rose and reported the same back to the council with amendments.

The question then being on agreeing to the report of the committee of the whole,

A division of the several amendments reported by the committee was called for, and the question was taken on the amendments separately.

The question then being on agreeing to the first amendment, which is as follows:

“To Josiah A. Noonan, for incidental printing by order of J. H. Hathaway and A. W. Hatch, receiver and register of the Milwaukee and Rock river canal, fifteen dollars;”

The ayes and noes were called, and it was decided in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, La Chapelle, Newland, Strong, White and Whiton—7.

Those who voted in the negative, were

Messrs. Dewey, Heath, Hugunin, Rountree, and Martin (President,)—5.

The second and third amendments were then concurred in by the council.

The question was then taken on the fourth amendment, which is as follows:

“To J. Hathaway and A. W. Hatch, register and receiver of the Milwaukee and Rock river canal, in place of the fees allowed by

law, including office rent and copying-tract book, one hundred and fifty-five dollars;”

And the ayes and noes being called, the question was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, La Chapelle, Newland, Strong, White and Whiton—7.

Those who voted in the negative, were

Messrs. Dewey, Heath, Hugunin, Rountree, and Martin (President,)—5.

Mr. Whiton moved further to amend the bill, by striking out the following, viz:

“For the purpose of paying a reward for the apprehension of William Caffee, charged with the crime of murder, the auditor is directed to issue his warrant on the treasurer of the territory, in favor of any person who shall make satisfactory proof to him that he has paid said reward, or any part thereof, for the amount so paid, provided said warrants shall not exceed in the aggregate the sum of two hundred dollars.”

Mr. Strong moved to amend the motion to amend, so as to include the following item of said bill, viz:

“For the purpose of paying a reward for the apprehension of Edward Jones and Henry V. Moore, fugitives from justice, in Racine county, the auditor is directed to issue his warrant on the treasurer of the territory, in favor of any person who shall make satisfactory proof to him that he has paid said reward, or any part thereof, for the amount so paid, provided said warrant shall not exceed, in the aggregate, the sum of two hundred dollars;”

Which was agreed to.

The question then recurring on the motion to amend the bill,

The ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Dewey, Whiton, and Martin (Pres’t,)—3.

Those who voted in the negative, were

Messrs. Barber, Crocker, Heath, Hugunin, La Chapelle, Newland, Strong, and White—9.

The question then being on ordering said bill to be engrossed for a third reading,

The ayes and noes were called, and the question was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Heath, La Chapelle, Newland, Strong and White—6.

Those who voted in the negative, were

Messrs. Barber, Dewey, Hugunin, Rountree, Whiton and Martin, (Pres't,)—6.

On motion of Mr. Strong,

He had leave to change his vote on the above question, (he having voted in the affirmative,) so as to place his vote in the negative.

On motion of Mr. Strong,

The vote by which the amendment to the bill made by Mr. Whiton, as amended by himself, was disagreed to, was reconsidered; and then,

On motion, the same was laid on the table.

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: I am directed to present for your signature the following, to wit: ‘An act to repeal a part of an act therein mentioned;’

And to inform you, that the house of representatives have adopted the reports of the committees of conference, to which were referred the disagreement of the two houses on bill No. 8, (H. of R.) ‘A bill to establish a territorial road from Prairie du Chien to Lake Superior,’ and the disagreement on a resolution relating to the bonds issued for the completion of the capitol;

And have concurred in the following resolutions of this house, to wit: ‘Joint resolutions relative to making a settlement with the Milwaukee and Rock River Canal Company.’ ”

On motion of Mr. White,

The council took up “A bill to amend an act entitled ‘an act to provide for the government of the several towns in this territory, and for the revision of county government,” which bill had been returned from the house, with amendments.

The question being on concurring in the amendments made by the house;

Mr. Whiton moved, that the fifth amendment of the house be amended, by striking out the words "nor in any case without the unanimous consent of the board of supervisors;"

And the motion was agreed to.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present the following bills of the house of representatives for the concurrence of this house, viz:

No. 18, 'A bill to provide for laying out the several territorial roads therein named;'

No. 32, 'A bill for an act to amend an act entitled an act for opening or vacating public highways, and the acts amendatory thereto;'

No. 36, 'A bill to provide for the payment of fees for the subdivision of sections of land into half sections and quarter sections.'

And to inform you that the house of representatives have concurred in bill No. 59, (of this house,) 'A bill to authorize the erection of a bridge across Pike Creek.'"

The council resumed the consideration of bill No. 39; when, Mr. Barber moved to amend the third amendment of the house, by adding thereto, the following, viz:

"And at all sales of land and town lots, hereafter had for the collection of any tax authorized by law, in any county of this territory, if a sum sufficient to pay the amount of said taxes and charges shall not be offered by any bidder, it shall be the duty of the officer conducting such sale, to strike off, in the name of the treasurer of the proper county, all such lands or town lots not bid for, and execute to such treasurer a certificate of sale, as provided by law, for such tract or town lot. It shall be the duty of such treasurer to exchange and assign such certificate to any person desiring such exchange or assignment, having drafts or warrants upon him of an amount equal to, or greater than that mentioned in said certificate: *Provided*, that the treasurer shall not exchange or assign any such certificate for less than the par value thereof, and interest allowed by law on such certificate."

And pending the question on said amendment,

On motion of Mr. Strong,

The council took a recess till 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The council resumed the consideration of
Bill No. 39, "A bill to amend an act entitled 'an act to provide for the government of the several towns in this territory, and for the revision of county government.'"

The question recurred on the amendment moved by Mr. Barber, to the third amendment made by the house,

And the amendment was agreed to;

And the third amendment of the house of representatives, as amended, was then concurred in.

The question on agreeing to the fourth amendment of the house, was then put,

And the ayes and noes being called for, the result was as follows, viz:

Those who voted in the affirmative, were

Messrs. Barber, White and Whiton—3.

Those who voted in the negative, were

Messrs. Crocker, Dewey, Heath, Hugunin, La Chapelle, Newland, Strong, and Martin, (Pres't,)—8.

So the council refused to concur in said amendment.

The council then concurred in the 5th, 6th and 7th amendments of the house to said bill.

The question on concurring in the 8th amendment of the house, was determined in the negative.

The council then concurred in the 9th, 10th and 11th amendments of the house to said bill.

Mr. Strong then moved, that the question on concurring in the 11th amendment of the house, be reconsidered;

Which was agreed to.

The question then recurring on said 11th amendment,

Mr. Strong moved to amend the same, by striking out the words, "any twenty-five or more legal voters," and inserting in lieu thereof the following: "a majority of the persons who shall have voted at the next previous annual election, as shall appear by the poll lists;"

The motion was agreed to;

And the 11th amendment, as amended, was then concurred in.

Mr. Barber moved, that the 12th amendment of the house be amended by inserting the word "not" after the word "shall," in the last line but one of said amendment;

The motion was agreed to;

And the said 12th amendment was then concurred in.

Mr. Crocker moved, that the 13th amendment of the house be amended by striking out the proviso therein;

The motion was decided in the negative;

And the said 13th amendment was then concurred in.

The 14th and 15th amendments of the house to said bill were then severally concurred in.

On motion of Mr. Strong,

The report made by the committee of conference on the disagreement of the two houses in relation to joint resolutions entitled "Resolutions relative to the bonds issued for the completion of the capitol," was then taken up;

And, on motion, said report was adopted.

On motion of Mr. Strong,

"Joint resolution to provide for the election of an attorney to defend a suit against the territory in favor of William Doughty," was taken up for consideration.

On motion of Mr. Strong,

The resolution was amended by striking out all after the word "that," in the first line, and inserting the following, viz:

"Edward V. Whiton be, and hereby is employed to defend a suit pending in Dane county, in favor of William Doughty, against the territory;"

And the question being on the adoption of the resolution, as amended,

The ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, Heath, La Chapelle, Newland, Rountree, Strong, White, and Martin (Pres't,)—9.

Those who voted in the negative, were

Messrs. Barber and Hugunin—2.

Mr. Crocker presented accounts of W. W. Wyman, and Sheldon & Hyer, for printing for the legislative assembly;

Which was referred to the committee on legislative expenditures.

Mr. Crocker also presented communications from A. Finch, jr. and Thomas Wright;

Which were referred to the committee on the judiciary.

Mr. Crocker also presented an account from Daniel Wells, jr., for services as deputy sheriff, in suits on behalf of the territory;

Mr. Strong moved, that said account be laid upon the table;

On which motion the ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Dewey, Strong, and Whiton—4.

Those who voted in the negative, were

Messrs. Crocker, La Chapelle, Hugunin, Heath, Newland, Rountree, White, and Martin (Pres't.)—8.

On motion of Mr. Whiton,

Bill No. 62, "A bill to amend an act entitled 'an act to change the time of holding courts in certain counties of the second judicial district,' and to provide for a change of venue in criminal cases,"

Was taken up for consideration.

Mr. Crocker moved that "Joint resolutions relative to the distributive share of Wisconsin, in the net proceeds of the public lands," be taken up, and that they, together with bill No. 62, be referred to the committee of the whole;

Which motion was declared to be out of order, as the bill and resolutions were not analagous in their provisions; whereupon,

Mr. Crocker moved the suspension of the rule which declares that bills and resolutions not analagous in their nature, shall not be considered in committee of the whole at the same time;

Which was agreed to;

And thereupon, the council resolved itself into a committee of the whole for the consideration of said bill and joint resolutions,

Mr. La Chapelle in the chair.

After some time, the committee rose and reported back to the council the resolutions with amendments, and the bill without amendment.

The question was then taken on agreeing to the report of the committee of the whole in relation to said resolutions,

And it was decided in the affirmative.

Mr. Strong then moved to amend the resolution by striking out all after the resolving clause, and inserting the following:

“That the Treasurer of the United States be directed not to pay over to any person the distributive share of the territory of Wisconsin in the net proceeds of the public lands, under the provisions of the act of 4th September, 1841, entitled ‘An act to appropriate the proceeds of the sales of the public lands,’ &c., until otherwise directed by the legislative assembly.”

On which motion, the ayes and noes having been called, and it was decided in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Dewey, La Chapelle, Rountree, Strong, and White—5.

Those who voted in the negative, were

Messrs. Barber, Crocker, Heath, Hugunin, Newland, Whiton, and Martin (Pres’t.)—7.

The question then being on ordering the resolutions to be engrossed for a third reading, and the ayes and noes having been called, it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, Newland, Strong, and Whiton—8.

Those who voted in the negative, were

Messrs. La Chapelle, Rountree, White, and Martin (Pres’t.)—4.

Bill No. 62, was then ordered to be engrossed for a third reading.

On motion of Mr. Strong,

The council adjourned.

EXECUTIVE JOURNAL.

TUESDAY, April 11, 1843.

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

I nominate J. Allen Barber, to be district attorney for the county of Grant;

Satterlee Clark, jr., to be a supreme court commissioner for the county of Portage;

Malachi T. White and Luther Parker, to be justices of the peace for the county of Milwaukee; and,

Lorain T. Pease, to be a supreme court commissioner for the county of Brown.

J. D. DOTY.

Executive Department,
Madison, April 10, 1843." }

WEDNESDAY, April 12, 1843.

The council met pursuant to adjournment.

The journal of the previous day having been read,

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

I have this day approved and signed a bill entitled 'An act to repeal a part of an act therein named,' and deposited it in the office of the secretary of the territory.

J. D. DOTY.

Executive Department,
Madison, April 19, 1843." }

On motion,

Mr. Strong had leave to amend the report of the committee on the judiciary, made yesterday, relative to the suit now pending in Dane county, in favor of William Doughty, against the territory, so as to make it read as follows:

"A majority of the judiciary committee (Mr. Whiton dissenting,) to whom was referred a message of the governor in relation to a suit commenced against the territory of Wisconsin, by Wil-

liam Doughty, together with a copy of the summons which was served on the executive, report," &c.

Mr. Dewey presented an account of Almon Lull, late librarian; Which was referred to the committee on legislative expenditures.

Mr. Whiton, from the committee on incorporations, reported a bill

No. 63, "A bill to annex certain lands to the town of Southport, in the county of Racine;"

Which was read the first and second time.

On motion of Mr. Whiton,

The 30th rule of the council was suspended in relation to said bill No. 63.

Mr. Strong, from the committee on the judiciary, had leave to make a report, and he thereupon reported a memorial with the following title, viz:

"Memorial of the legislative assembly of Wisconsin, praying that the office of governor of the territory may be made elective by the people;"

Which was read the first and second time.

On motion of Mr. Strong,

All rules of the council which would prevent the passage of said memorial then, were suspended in relation to said memorial;

And thereupon, the memorial was read the third time, passed, and the title thereof agreed to.

On motion of Mr. Dewey,

The council proceeded to the consideration of executive business;

And having disposed of the same.

On motion of Mr. Whiton,

No. 31, "A bill to provide for the election of county attorneys;" was taken up;

And the question being on concurring in the amendments of the house of representatives to said bill,

The same were concurred in by the council.

Mr. Whiton, from the committee on enrolled bills, reported the following entitled bills as correctly enrolled, to wit:

Bill No. 44, "A bill relative to the assessors of Crawford county;"

No. 26, "A bill to amend an act of the statutes of Wisconsin relating to the militia;" and

No. 59, "A bill to authorize the erection of a bridge across Pike Creek."

The following entitled bills were then taken up, and severally read the first and second time, viz:

No. 18, (H. of R.) "A bill to provide for laying out the several territorial roads therein mentioned;"

No. 41, (H. of R.) "A bill for an act to make valid the official acts of Frederick Borchardt, a justice of the peace;"

No. 32, (H. of R.) "A bill for an act to amend an act entitled 'an act for opening or vacating public highways,' and the acts amendatory thereto;" and

No. 36, (H. of R.) "A bill to provide for the payment of fees for the subdivision of sections of land into half sections and quarter sections."

Mr. Dewey, from the committee on engrossed bills, reported the following to be correctly engrossed, to wit:

No. 62, "A bill to amend an act entitled 'an act to change the time of holding courts in certain counties of the second judicial district,' and to provide for a change of venue in criminal cases;"

On motion of Mr. Dewey,

Said bill No. 62, was taken up and read the third time;

And the question being on the passage of the same,

Mr. Whiton obtained the unanimous consent of the council to add the following as an amendment to said bill, viz:

"Sec. 2. The seventy-first section of an act entitled 'an act concerning costs and fees,' is hereby repealed, and no costs shall be taxed in the supreme or district courts without sufficient notice being given to the adverse party, or his attorney, of the time and place of such taxation, if such party or his attorney resides within the county in which the judgment was recovered.

Sec. 3. In all cases in the supreme court, where the judgment of the court below is affirmed, the supreme court may issue execution, directed to the sheriff of the proper county, returnable to the office of the clerk in ninety days from its date; and the clerk of the supreme court is authorized to issue execution, directed to

the sheriff of the proper county, for all bills of cost in the supreme court, after they shall have been taxed according to law."

The bill, as amended, was then passed;

And the question being on agreeing to the title thereof,

On motion of Mr. Whiton,

The same was amended by adding the words, "and for other purposes;"

And the title, as amended, was then agreed to.

Mr. Dewey, from the committee on engrossed bills, reported as correctly engrossed, the following, viz:

"Resolutions relative to the bonds issued for the completion of the capitol."

On motion of Mr. Strong,

So much of the 30th rule of the council, as declares that bills not analagous in their nature shall not be considered in committee of the whole at the same time, was suspended, so far as the bills and resolutions now ready to be considered, were concerned; and,

On motion of Mr. Strong,

The council resolved itself into a committee of the whole, for the consideration of the following entitled bills, resolution and memorial;

Mr. Dewey in the chair:

No. 57, "A bill to amend 'an act authorizing Samuel H. Farnsworth to build and maintain a dam on the Menomonee river;'"

No. 36, "A bill to repeal an act entitled 'an act to amend an act entitled an act to prescribe the mode of proceeding in chancery, and for other purposes,' approved 13th January, 1840;'"

No. 38, (H. of R.) "A bill to repeal an act concerning the admission of attorneys at law, and for other purposes;"

No. 10, (H. of R.) "A bill concerning removals from office;"

No. 42, (H. of R.) "A bill for an act authorizing the governor to offer rewards for the apprehension of criminals in certain cases;"

No. 2, (H. of R.) "A bill supplementary to 'an act to amend an act for assessing and collecting county revenue;'"

No. 31, (H. of R.) "A bill to provide for laying out and establishing territorial roads therein named;"

No. 36, (H. of R.) "A bill to provide for the payment of fees

for the subdivision of sections of land into half sections and quarter sections;”

No. 4, (H. of R.) “A bill concerning road taxes;”

No. 18, (H. of R.) “A bill to provide for laying out the several roads therein named;”

No. 32, (H. of R.) “A bill for an act to amend ‘an act entitled an act for opening and vacating public highways, and the act amendatory thereto;”

No. 41, (H. of R.) “A bill for an act to make valid the official acts of Frederick Borchardt, a justice of the peace;”

No. 50, (H. of R.) “Resolution to rescind a resolution to provide an office for the auditor and treasurer of the territory;”

No. 1, (H. of R.) “Memorial to congress relative to the canal lands.”

After some time spent therein, the committee rose and reported the following bills and memorial with amendments, in which they asked the concurrence of the council, to wit:

Bills Nos. 10, 42, 2, 36, 18, 32, (H. of R.) and No. 36, (C.),

And the following bills and resolution without amendment, viz:

No. 4, 31, 41, (H. of R.) and No. 57, (C.) and resolution No. 5, (H. of R.),

And that they recommend the indefinite postponement of bill No. 38, and memorial No. 1, (H. of R.).

The question being on agreeing to the amendments reported by the committee of the whole,

A division thereof was called for, and the question was taken on each bill separately;

And to bills Nos. 10, 52, 2, 36, 18, 32, (H. of R.) and to No. 36, (C.) the amendments were concurred in;

And on the question to agree to the recommendation of the committee as to bill No. 38, (H. of R.) entitled “A bill to repeal an act concerning the admission of attorneys at law, and for other purposes,”

The ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, Heath, Newland, Strong, White, Whiton, and Martin (Pres’t).—9.

Those who voted in the negative, were
Messrs. Hugunin, La Chapelle, and Rountree—3.
And said bill was indefinitely postponed.

The question then being on agreeing to the recommendation of the committee relative to memorial No. 1 (H. of R.) entitled "Memorial to congress relative to canal lands;"

On motion of Mr. Newland,
The memorial was laid on the table.

Mr. Barber moved to amend bill No. 31, (H. of R.) entitled "A bill to provide for laying out and establishing territorial roads therein named," by striking out the second section thereof,

Which motion was agreed to.

Mr. Strong moved to amend bill No. 2, (H. of R.) entitled "A bill supplementary to an act to amend an act for assessing and collecting county revenue," by striking out the word "one," before the word "hundred," in the 5th section thereof, and inserting in lieu thereof the word "two;"

Which was disagreed to.

Mr. Strong then moved to amend said bill by striking out the 4th, 5th, 6th, and 7th sections thereof;

And the ayes and noes having been called, the motion was decided in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, Newland, Strong, Whiton, and Martin (Pres't.)—7.

Those who voted in the negative, were

Messrs. Heath, Hugunin, La Chapelle, Rountree, and White—5.

Mr. Dewey then moved, that the bill be indefinitely postponed;

The motion was agreed to,

And said bill was indefinitely postponed.

On motion of Mr. Whiton,

Bill No. 36, (C.) entitled "A bill to repeal an act entitled 'an act to amend an act entitled 'an act to prescribe the mode of proceeding in chancery, and for other purposes,' approved 13th January, 1840," was amended by inserting the following, to stand as the 5th section, viz:

"Sec. 5. All mortgages of lands may be foreclosed in chancery whenever the sum secured by a mortgage amounts to the sum of fifty dollars or upwards."

The question then being on ordering to a third reading the following entitled bills, to wit: No. 36, (H. of R.) "A bill to provide for laying out the several territorial roads therein named," bill No. 32, (H. of R.) "A bill for an act to amend an act entitled 'an act for opening or vacating public highways, and the act amendatory thereto,'" and bill No. 4, "A bill concerning road taxes;"

Said bills were, on motion, indefinitely postponed.

Bills Nos. 10, 42, 31, 18, 41, and memorial No. 5, (all of H. of R.) were then ordered to a third reading.

Bills Nos. 57 and 36, (C.) were ordered to be engrossed for a third reading.

Mr. Newland presented an account of J. & A. Boyles;

Which was referred to the committee on legislative expenditures.

Mr. Crocker, from the committee on the judiciary, to which had been referred communications from A. Finch, jr. and Thomas Wright, had leave to report, and he thereupon reported bill

No. 64, "A bill to amend the statutes of this territory, relative to the sale of land under execution or mortgage, and to legalize certain conveyances;"

Which was read the first and second time.

On motion of Mr. Crocker,

The 30th rule of the council was suspended as to said bill.

Mr. Dewey, from the committee on engrossed bills, reported as correctly engrossed, the following entitled joint resolutions, viz:

"Joint resolutions relative to the distributive share of Wisconsin in the nett proceeds of the public lands."

The following entitled bills and joint resolution were then taken up, severally read the third time, passed, and the titles thereof agreed to, viz:

No. 10, (H. of R.) "A bill concerning removals from office;"

No. 31, (H. of R.) "A bill to provide for laying out and establishing territorial roads therein named;"

No. 18, "A bill to provide for laying out the several territorial roads therein mentioned;"

No. 41, (H. of R.) "A bill for an act to make valid the official acts of Frederick Borchardt, a justice of the peace;"

No. 36, (C.) "A bill to repeal an act entitled 'an act to amend

an act entitled an act to prescribe the mode of proceeding in chancery, and for other purposes,' approved 15th January, 1840; and

Resolution No. 9, (H. of R.) "Resolution to rescind a resolution to provide an office for the auditor and treasurer of the territory."

The following resolution was then taken up and read the third time, viz:

"Joint resolution relative to the distributive share of Wisconsin in the net proceeds of the public lands;"

And the question being on the passage of the same,

The ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, Heath, Hugunin, White and Whiton

—6.

Those who voted in the negative, were

Messrs. Barber, La Chapelle, Rountree and Martin, (Pres't,) 4.

On motion of Mr. Dewey,

The following entitled bill was indefinitely postponed, to wit: No. 51, "A bill relative to the sale of lands for taxes."

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present the following bills for your signature, viz:

'An act to provide for laying out certain territorial roads;'

'An act to repeal certain parts of the several acts concerning the militia, and for other purposes;'

'An act to authorize the erection of a bridge across Pike Creek; and

'An act relative to the assessors of Crawford county.'

And to inform the council that the house of representatives have concurred in bill No. 60, (of this house,) 'A bill to authorize the election of an additional justice of the peace in certain towns.'

And have concurred in all the amendments of this house to the amendments of the house of representatives to bill No. 39, (C.) 'A bill to amend an act entitled an act to provide for the government of the several towns in this territory, and for the revision of county government;' and have receded from their amendments to

bills numbered 4 and 8, in which this house refused to concur.

The house of representatives have indefinitely postponed bill No. 53, (of this house,) 'A bill to amend an act entitled an act to amend an act entitled an act to change the corporate limits and powers of the town of Milwaukee, approved 11th January, 1840.' "

The President signed the acts requiring his signature, referred to in the above message.

On motion of Mr. Dewey,

The committee of the whole were discharged from the further consideration of the following entitled bills, viz:

No. 43, "A bill to provide for the payment of the arrearages of expenses of the legislative assembly;"

No. 45, "A bill to provide for the payment of the expenses of the legislative assembly from 1st January, 1843, to 6th March, 1843;"

No. 46, "A bill to provide for the payment of the expenses of the legislative assembly, exclusive of arrearages, prior to January 1st, 1843;" and

No. 47, "A bill to provide for the payment of the expenses of the session of the legislative assembly, commencing March 6th and ending March 25th, 1843;"

And, on motion, the same were referred to the committee on legislative expenditures.

On motion of Mr. Whiton,

The council took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Whiton, from the committee on enrolled bills, reported the following entitled bills as correctly enrolled, viz:

No. 60, (C.) "A bill to authorize the election of an additional justice of the peace in certain towns;"

No. 31, (C.) "A bill to abolish certain offices therein named;" and

"Joint resolutions relative to a settlement with the Milwaukee and Rock river canal company."

Mr. Rountree, from the committee on legislative expenditures, to whom were referred bills numbered 43, 45, 46, and 47, making

appropriations for expenses of the legislative assembly, reported No. 65, "A bill to provide for the payment of the expenses of the legislative assembly;"

Which was read the first and second time.

Mr. Crocker, from the committee on territorial affairs, to whom was referred the message of the governor, relating to estimates furnished the secretary of the treasury of the United States, for the expenses of the legislative assembly, reported

"A memorial to the congress of the United States relative to the estimates of the expenses of the legislative assembly of the territory of Wisconsin;"

Which was read the first and second time; and,

On motion of Mr. Rountree,

The council went into committee of the whole for the consideration of said memorial, and of said bill No. 65;

Mr. La Chapelle in the chair.

Pending the consideration of bill No. 65, the clerk of the house of representatives was announced, when the president took the chair, and the following message from the house of representatives was delivered:

"Mr. President: I am directed to present the following bills and resolutions for your signature, to wit:

'An act to authorize the election of an additional justice of the peace in certain towns;'

'An act to abolish certain offices therein named;'

'Joint resolutions relative to making a settlement with the Milwaukee and Rock river canal company.'

The President signed the bills and resolutions referred to in said message.

The council then resumed, in committee of the whole, the consideration of bill No. 65;

And pending the consideration thereof, the chief clerk of the house of representatives was announced. The president took the chair, and the following message was delivered by the clerk of the house, viz:

"Mr. President: The house of representatives have concurred in all the amendments of this house to the following bills of the house of representatives, to wit:

No. 10, 'A bill concerning removals from office;'

No. 18, 'A bill to provide for laying out the several territorial roads therein named;'

No. 31, 'A bill to provide for laying out and establishing territorial roads therein named; and

No. 41, 'A bill to make valid the official acts of Frederick Borcherdt, a justice of the peace.'

The council then resumed, in committee of the whole, the consideration of said bill No. 65;

And after some time, the committee rose and reported said bill No. 65, with amendments, and the memorial without amendment.

On motion, said memorial was then ordered to be engrossed for a third reading.

The amendments made in committee of the whole to bill No. 65, were then concurred in; and

The question then being on ordering said bill to be engrossed for a third reading,

Mr. Strong moved that the bill be amended by adding thereto the following, viz:

"To the publishers of the several newspapers in the territory, who have published the laws of the legislative assembly, which commenced December 6, 1841, the sum of fifty dollars each, to be paid by the Secretary to the said publishers respectively, upon their furnishing him with satisfactory proof of such publication;"

The question being on agreeing to said amendment,

The ayes and noes were called, and the question was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, La Chapelle, Newland, Strong and White—5.

Those who voted in the negative, were

Messrs. Dewey, Heath, Hugunin, Rountree, Whiton and Martin, (Pres't,)—6.

Mr. Crocker then moved, that the council reconsider the vote by which the amendments made to said bill No. 65, in committee of the whole, were concurred in;

The motion was agreed to; and

On motion of Mr. Whiton,

Said bill was then laid upon the table.

Mr. Strong moved that the council reconsider its vote refusing to order for engrossment and third reading, bill No. 58, (C.) "A bill to provide for the payment of certain territorial debts therein named;"

And the motion was agreed to.

The question then recurring on ordering said bill No. 58 to be engrossed for a third reading; when,

Mr. Whiton, from the committee on enrolled bills, made the following report:

"The committee on enrollment report, that they did, on the 12th day of April, A. D. 1843, present to his excellency, the governor, for his approval, a bill entitled 'An act to repeal a part of an act therein mentioned;' also, a bill entitled 'An act authorizing the erection of a bridge across Pike Creek;' also, a bill entitled 'An act relative to the assessors of Crawford county;' also, a bill entitled 'An act to repeal certain parts of the several acts concerning the militia, and for other purposes;' also, a bill entitled 'An act to provide for laying out certain territorial roads;' also, a bill entitled 'An act to authorize the election of an additional justice of the peace in certain towns;' also, a bill entitled 'An act to abolish certain offices therein named.'

EDWARD V. WHITON,

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

Mr. Rountree, by leave, submitted a certain account of E. Starr, which had been referred to the committee on legislative expenditures;

And, on motion, said account was referred to the committee on territorial expenditures.

The question recurring on ordering bill No. 58 to a third reading; when, on motion,

The bill was laid on the table.

Mr. Dewey, from the committee on engrossed bills, reported the following to be correctly engrossed, to wit:

No. 57, "A bill to amend an act authorizing Samuel H. Farnsworth to build and maintain a dam on the Manitowoc river."

On motion of Mr. Crocker,

The council went into committee of the whole for the consideration of bill No. 64, "A bill to amend the statutes of the territory, relative to the sales of land under execution or mortgage, and to legalize certain conveyances;"

Mr. Barber in the chair.

And after some time, the committee rose and reported the bill to the council without amendment;

And said bill was then ordered to be engrossed for a third reading.

On motion of Mr. White,

The council took a recess till 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

Bill No. 65, "A bill to provide for the payment of the expenses of the legislative assembly," was taken up.

Mr. Strong moved to strike out of said bill the following items, to wit:

"To David Lambert, for printing done for the executive office, from April 4th, 1842, to January 1st, 1843, fifty-seven dollars and seventy-five cents."

"To David Lambert, for printing done for the executive office as per bill, from 1st of January, 1843, to 8th of April, 1843, thirty dollars."

Upon which motion the ayes and noes were called, and it was determined in the affirmative, as follows, viz:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, La Chapelle, Newland, Strong, White, and Whiton—7.

Those who voted in the negative, were

Messrs. Dewey, Heath, Hugunin, Rountree, and Martin (President,)—5.

Mr. Barber moved to amend said bill by adding the following item thereto, to wit:

"To David Lambert, for printing proclamation of the governor, calling a special session of the legislative assembly, five dollars; publishing said proclamation, nine dollars; printing proclamation

for apportionment of members of the legislative assembly, three dollars; advertizing said proclamation, six dollars."

Mr. Strong moved to amend the amendment, by inserting before the word "proclamation," the words "for the use of the governor;"

And the ayes and noes having been called, the motion was decided in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Dewey, La Chapelle, Newland, and Strong—4.

Those who voted in the negative, were

Messrs. Barber, Crocker, Heath, Hugunin, Rountree, White, Whiton, and Martin (Pres't,)—8.

The question then recurring on the motion of Mr. Barber to amend,

It was determined in the affirmative, and the amendment was adopted.

Mr. Newland moved further to amend the bill, by striking out the following item, viz:

"For the purchase of books for the library, to be purchased under the direction of such person as the legislature may by joint resolution appoint, five hundred dollars."

On which motion the ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Hugunin, Newland, Rountree, and Whiton—5.

Those who voted in the negative, were

Messrs. Crocker, Dewey, Heath, La Chapelle, Strong, White and Martin, (Pres't,)—7.

Mr. Newland moved to further amend the bill by striking out the words "five dollars," and inserting in lieu thereof, the following, to wit: "seven dollars and fifty cents," in that part of the bill making an appropriation for John Y. Smith;

Which was disagreed to.

The question then being on ordering said bill to be engrossed for a third reading,

The ayes and noes were called, and it was decided in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Heath, Hugunin, La Chapelle, Newland, Rountree, Strong, White and Whiton—8.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey and Martin, (Pres't,)—4.

Bill No. 58, "A bill to provide for the payment of certain territorial debts therein named," was then taken up, and

On motion of Mr. Strong,

The bill was re-committed to the committee of the whole.

Mr. Rountree moved that the council adjourn;

Which was disagreed to.

On motion of Mr. Strong,

The council resolved itself into a committee of the whole, for the consideration of bill No. 58;

Mr. Dewey in the chair.

After some time, the committee rose and reported back to the council said bill with amendments, in which they asked the concurrence of the council.

The question being on concurring in the amendments made in committee of the whole, and a division thereof having been called, it was taken upon each amendment separately, as follows:

The first amendment was concurred in;

And the question being on concurring in the second amendment, which was as follows, viz:

"To John Y. Smith, for extra services as commissioner of public buildings, fifty-seven dollars and fifty cents;"

The ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, La Chapelle, Newland, Strong and White—5.

Those who voted in the negative, were

Messrs. Barber, Dewey, Heath, Hugunin, Rountree, Whiton, and Martin, (Pres't,)—7.

The third amendment was then concurred in.

The question being on concurring in the 4th amendment, which was by striking out the following, viz:

"For the purpose of paying a reward for the apprehension of William Caffee, charged with the crime of murder, the auditor is directed to issue his warrant on the treasurer of the territory, in

favor of any person who shall make satisfactory proof to him that he has paid said reward, or any part thereof, for the amount so paid: *Provided*, said warrant shall not exceed in the aggregate the sum of two hundred dollars."

The ayes and noes having been called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, Newland, Strong, White, Whiton, and Martin (Pres't,)—8.

Those who voted in the negative, were

Messrs. Heath, Hugunin, La Chapelle, and Rountree—4.

The question then was on agreeing to the 5th amendment, which was by striking out the following, to wit:

"For the purpose of paying a reward for the apprehension of Edward Jones and Henry V. Moore, fugitives from justice in Racine county, the auditor is directed to issue his warrants on the treasurer of the territory, in favor of any person who shall make satisfactory proof to him that he has paid said reward, or any part thereof, for the amount so paid, provided said warrants shall not exceed, in the aggregate, the sum of two hundred dollars;"

Upon which question the ayes and noes having been called,

It was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, Newland, Strong, White, Whiton, and Martin (Pres't,)—8.

Those who voted in the negative, were

Messrs. Heath, Hugunin, La Chapelle, and Rountree—4.

The sixth and seventh amendments were then concurred in;

And on the question to agree to the eighth amendment, which was by striking out the following, to wit:

"To J. Hathaway and A. W. Hatch, register and receiver of the Milwaukee and Rock river canal, in place of the fees allowed by law, including office rent and copying tract book, one hundred and fifty-five dollars;"

The ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Dewey, Heath, La Chapelle, Rountree, Strong, and Martin (Pres't,)—6.

Those who voted in the negative, were
Messrs. Barber, Crocker, Hugunin, Newland, White, and Whiton—6.

Mr. Crocker moved to reconsider the vote, by which the council refused to concur in the amendment of the committee, striking out the item appropriating for George H. Walker, acting canal commissioner, one hundred and ten dollars;

On which motion the ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were
Messrs. Barber, Crocker, Dewey, Hugunin, Newland, Strong, White, and Whiton—8.

Those who voted in the negative, were
Messrs. Heath, La Chapelle, Rountree, and Martin (Pres't,)—4.
The question then recurring on agreeing to the report of the committee, by striking out the appropriation to George H. Walker of the sum of one hundred and ten dollars;

The ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were
Messrs. Heath, La Chapelle, Rountree and Martin, (Pres't,) 4.
Those who voted in the negative, were
Messrs. Barber, Crocker, Dewey, Hugunin, Newland, Strong, White and Whiton—8.

Mr. Barber moved that the council adjourn;

Which was disagreed to.

Mr. Hugunin moved to strike out the enacting clause of said bill;

On which motion the ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were
Messrs. Heath, Hugunin, La Chapelle, Rountree, and Martin, (Pres't,)—5.

Those who voted in the negative, were
Messrs. Barber, Crocker, Dewey, Newland, Strong and White—6.
Mr. Barber moved to further amend said bill, by striking out the appropriation to N. Smith, of three dollars and fifty cents, for services in the supreme court clerk's room;

Which was agreed to.

The question then being on ordering said bill to be engrossed for a third reading;

And the ayes and noes being called, the question was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Newland, Strong and White—5.

Those who voted in the negative, were

Messrs. Dewey, Heath, Hugunin, La Chapelle, Rountree and Martin, (Pres't,)—6.

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: I am directed to present the following bills and resolution for your signature, to wit:

‘An act concerning removals from office;’

‘An act to make valid the official acts of Frederick Borchardt, a justice of the peace;’

‘An act to provide for laying out and opening territorial roads;’

And a ‘Resolution to rescind a resolution to provide an office for the auditor and treasurer of the territory.’”

The bills and resolution presented for the signature of the president, referred to in the foregoing message, were then signed by him.

Mr. White moved that the council adjourn;

Which motion was disagreed to.

Mr. La Chapelle moved to reconsider the vote, by which the council refused to order bill No. 65 to be engrossed for a third reading;

Upon which the president announced, that said vote could not be reconsidered without the unanimous consent of the council; the council having once refused to order said bill to be engrossed for a third reading, and then reconsidered said refusal.

The question of reconsideration was then put, and the ayes and noes having been called, they were as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, Heath, La Chapelle, Newland, Rountree, Strong, White, and Martin (Pres't,)—10:

In the negative—Mr. Hugunin.

So the question was lost, there being a negative vote.

On motion of Mr. Strong,

Mr. Hugunin had leave to change his vote on said question of reconsideration, from an affirmative to a negative vote;

So the unanimous consent of the council was given to reconsider the vote by which the council refused to order said bill to be engrossed.

Mr. Crocker then moved, that the council proceed to reconsider the votes by which the amendments made in committee of the whole to said bill were concurred in by the council;

And the ayes and noes having been called, the motion was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, La Chapelle, Newland, Rountree, Strong, and Martin (Pres't.)—7.

Those who voted in the negative, were

Messrs. Barber, Heath, Hugunin, and White—4.

The question then recurring on agreeing to the report of the committee, striking out the several appropriations to George H. Walker, A. W. Hatch, and J. Hathaway,

And the ayes and noes having been called, it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, Heath, Hugunin, La Chapelle, Newland, Rountree, Strong, and Martin (Pres't.)—9.

Those who voted in the negative, were

Messrs. Barber and White—2.

Mr. Barber moved that the council adjourn;

Which was disagreed to.

The question then recurring on ordering said bill to be engrossed for a third reading,

The ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, La Chapelle, Newland, Rountree, Strong, and White—7.

Those who voted in the negative, were

Messrs. Barber, Heath, Hugunin, and Martin (Pres't.)—4.

On motion of Mr. White,
The council adjourned.

EXECUTIVE JOURNAL.

WEDNESDAY, April 12, 1843.

On motion of Mr. Dewey,
The council advised and consented to the appointment of J. Allen Barber, to be District Attorney for the county of Grant.

On motion of Mr. Strong,
The council advised and consented to the appointment of Satterlee Clark, junior, to be a Supreme Court Commissioner for the county of Portage.

On motion of Mr. White,
The council advised and consented to the appointment of Malachi T. White and Luther Parker, to be Justices of the Peace for the county of Milwaukee.

On motion of Mr. Rountree,
The council advised and consented to the appointment of Lorrain T. Pease, to be a Supreme Court Commissioner, for the county of Brown.

THURSDAY, April 13, 1843.

The council met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The journal of the previous day was read.

Bill No, 42, (H. of R.) "A bill for an act authorizing the governor to offer rewards for the apprehension of criminals, in certain cases,"

Was taken up, read the third time, passed, and the title thereof agreed to.

Bill No. 57, (C.) "A bill to amend the act authorizing Samuel H. Farnsworth to build and maintain a dam on the Manitowoc river,"

Was read the third time, passed, and the title thereof agreed to.

Mr. Dewey, from the committee on engrossed bills, reported the following to be correctly engrossed, to wit:

Bill No. 64, (C.) "A bill to amend the statutes of the territory, relative to the sales of land under execution or mortgage, and to legalize certain conveyances;"

Which bill was taken up, and read the third time; and,

On motion of Mr. Dewey,

And by the unanimous consent of the council,

Said bill was then amended, by striking out the third section, and inserting in lieu thereof the following, viz:

"Sec. 3. That all the conveyances of land heretofore made under and by virtue of any law that now is, or has been heretofore in force in this territory, to the assignee or assignees of any purchaser or purchasers, of any lands or real estate, sold on execution, or under the judgment or decree of any court of record, or by virtue of any mortgage, agreeably to the provisions of any such law, shall vest in the assignee or assignees of such purchase, such title to the premises described in such conveyance, as would have been vested in the purchaser had such conveyance been made to him; and such conveyance shall not be impaired or affected by means of the same having been made to the assignee of such purchaser."

The bill was then passed, and the title thereof agreed to.

Mr. Strong, from the committee on the judiciary, to which the several subjects had been referred, made a report, as follows.

"The committee recommend, that bill No. 9, (H. of R.) 'A bill to amend an act entitled an act to provide for the printing and distribution of the laws of Wisconsin;' be indefinitely postponed.

The committee report bill No. 11, (H. of R.) 'A bill for an act to amend an act entitled an act regulating taverns and groceries,' without amendment.

The committee report 'An act to provide for the election of a

territorial printer; without amendment, and recommend that the same be passed.

On the memorial of La Fayette Kellogg, the committee report by resolution, as follows:

Resolved, by the council, if the house concur, that the superintendent of territorial property be instructed to provide wood for the office of clerk of the supreme court.

And on the petition of certain citizens of Milwaukee, praying for the repeal of the 'act to amend an act concerning the time of commencing actions;' the committee deem no provision necessary, and ask to be discharged from the further consideration of said petition."

On motion, the council proceeded to consider the report from the committee on the judiciary;

And the council concurred in the report of said committee in relation to bill No. 9, (H. of R.) and said bill was indefinitely postponed.

The council then proceeded to consider so much of said report as relates to bill No. 11, (H. of R.) when,

Mr. Strong moved that said bill be indefinitely postponed,

And the ayes and noes having been called, the result was as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, Heath, Strong, White, Whiton and Martin, (Pres't.)—7.

Those who voted in the negative, were

Messrs. Barber, Hugunin and La Chapelle—3.

So the bill was indefinitely postponed.

The council then proceeded to consider so much of said report as related to "An act to provide for the election of a territorial printer;"

A call of the council was ordered, and

Messrs. Newland and Rountree were reported absent.

The sergeant-at-arms was despatched to procure the attendance of Messrs. Newland and Rountree; and having reported them in their seats,

Further proceedings under the call of the council were suspended.

The question then recurring, "Will the council, on re-consideration, pass the bill?"

The ayes and noes were called, and they were as follow, viz:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, La Chapelle, Newland, Strong, White and Martin, (Pres't,)—7.

Those who voted in the negative, were

Messrs. Barber, Heath, Hugunin, Rountree and Whiton—5.

Two-thirds of the members not voting in the affirmative, the bill was lost.

The council then proceeded to consider the resolution reported by the committee on the judiciary, relative to wood for the office of the clerk of the supreme court.

Mr. Barber moved that said resolution be amended by adding thereto the following words, viz: "and the clerk of the district court of the county of Dane;"

And the ayes and noes being called on said motion to amend, they were as follows, viz:

In the affirmative—Mr. Barber.

Those who voted in the negative, were

Messrs. Crocker, Dewey, Heath, Hugunin, La Chapelle, Newland, Rountree, Strong, White, Whiton, and Martin (Pres't,)—11.

The question then recurring on the adoption of said resolution,

The ayes and noes were called, and they were as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, La Chapelle, Strong, and White—5.

Those who voted in the negative, were

Messrs. Barber, Heath, Hugunin, Newland, Rountree, Whiton, and Martin (Pres't,)—7.

So the resolution was rejected.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present the following bill for your signature, to wit:

'And act to provide for laying out the several territorial roads therein named;'

And to inform you that the house of representatives have concurred in bill No, 56, of this house, 'A bill to amend the several

acts relative to the town of Milwaukee;' and have passed a bill, No. 47, 'A bill for the divorce of Rebecca P. Farrington from the bonds of matrimony;' in which the concurrence of the council is asked.

The governor has notified the house of representatives, that he did on this day approve 'An act to provide for laying out certain territorial roads;' and 'An act to make valid the official acts of Frederick Borchardt, a justice of the peace.' "

Mr. Strong, by leave, submitted the following resolution, which was read and laid on the table:

Resolved, by the council, if the house of representatives concur, that Sheldon & Hyer be, and they are hereby authorized to print two hundred copies of the journal of the council, and two hundred copies of the journal of the house of representatives, and copies of the laws passed at the present session of the legislative assembly, together with the reports of decisions in the supreme court, not heretofore published.

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

I have approved and signed a bill entitled 'An act to repeal certain parts of the several acts concerning the militia, and for other purposes;' also, a bill entitled 'An act authorizing the erection of a bridge across Pike Creek;' also, a bill entitled 'An act relative to the assessors of Crawford county;' and a bill entitled 'An act to authorize the election of an additional justice of the peace in certain towns;' and deposited the same in the office of the secretary of the territory.

J. D. DOTY.

Executive Department, }
Madison, April 13, 1843." }

Mr. Dewey, from the committee on engrossed bills, reported as correctly engrossed, the following, viz:

Bill No. 65, (C.) "A bill to provide for the payment of the expenses of the legislative assembly;"

And, on motion, said bill No. 65, was read the third time.

The question then being on the passage of said bill,

A call of the council was made, and

Messrs. Dewey, La Chapelle, Strong and Whiton, were reported as absent.

The sergeant-at-arms was then directed to notify the absent members that their attendance was required; and,

On motion of Mr. Barber,

The council took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The sergeant-at-arms having reported the members for whom he had been sent, to be in their seats;

Further proceedings under the call of the council were dispensed with,

The question then being on the passage of bill No. 65, "A bill to provide for the payment of the expenses of the legislative assembly;"

The ayes and noes were called, and it was decided in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Dewey, Heath, Hugunin, La Chapelle, Newland, Rountree, Strong, White, and Whiton.—9.

Those who voted in the negative, were

Messrs. Barber, Crocker and Martin, (Pres't).—3.

The title thereof was then agreed to.

The following message from the house of representatives was delivered by the clerk thereof, viz:

Mr. President: The house of representatives have concurred in the following bills and resolution of this house, viz:

No. 48, 'A bill to provide for levying and collecting a territorial revenue;'

No. 62, 'A bill to amend an act entitled an act to change the time of holding courts in certain counties of the second judicial district, and to provide for a change of venue in criminal cases;'

Joint resolution relative to the distributive share of Wisconsin in the net proceeds of the public lands.'

In bill No. 48, and the resolution, with an amendment to each, in which the concurrence of the council is asked.'

Mr. Whiton, from the joint committee to whom the subject had been referred, had leave to report, and he thereupon reported as follows:

"The joint committee of conference, to which was referred the disagreeing vote of the two houses in relation to 'Joint resolution relative to the distribution of American State Papers,' have had the same under consideration, and report the following as a substitute for the amendment of the house of representatives, viz:

'To the register of deeds of each of the organized counties of the territory, except the county of Dane, one set of American State Papers, relating to the public lands, now remaining in the library, to be presented for the use of such counties: *Provided*, that the delivery of said work shall not be attended with any expense to the territory;'

And recommend that the same be adopted."

Mr. Whiton moved that the report be adopted;

Which was agreed to.

On motion of Mr. Hugunin,

The council resolved itself into a committee of the whole, for the consideration of

No. 55, "A bill to organize the town of Pike Grove, in the county of Racine;" and

No. 63, "A bill to annex certain lands to the town of Southport, in the county of Racine;"

Mr. Newland in the chair.

After some time, the committee rose and reported back to the council bill No. 55, with amendments, and bill No. 63, without amendment, and recommended the indefinite postponement of bill No. 63.

The amendments reported by the committee of the whole to bill No. 55, were concurred in;

And the bill was ordered to be engrossed for a third reading.

The report as to bill No. 63, was then agreed to, and said bill was indefinitely postponed.

Mr. Dewey, from the committee on engrossed bills, reported as correctly engrossed, the following entitled bill, viz:

No. 58, "A bill to provide for the payment of certain territorial debts therein named."

"Joint resolutions relative to the distributive share of Wisconsin in the net proceeds of the public lands," was then taken up,

And the question being on agreeing to the amendments of the house of representatives to said resolutions,

The same were concurred in.

Bill No. 58, **"A bill to provide for the payment of certain territorial debts therein named,"** was taken up;

Said bill was then read the third time,

And the question being on the passage thereof,,

The ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, La Chapelle, Newland, Rountree, Strong, White, and Whiton—8.

Those who voted in the negative, were

Messrs. Barber, Heath, Hugunin, and Martin (Pres't,)—4.

On motion of Mr. Strong,

"Joint resolution relative to printing the laws and journals of the present session," was taken up.

Mr. Strong moved to fill the blank in said resolution with the words **"fifteen hundred;"**

Which was agreed to.

Mr. Rountree moved to amend the resolution by adding the following, to wit:

"And they shall be allowed and paid fifty cents per 1000 ems, and fifty cents per token, and twenty-five cents per copy for stitching and binding;"

On which motion the ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Dewey, Heath, Hugunin, and Rountree—4.

Those who voted in the negative, were

Messrs. Barber, Crocker, La Chapelle, Newland, Strong, White, Whiton, and Martin (Pres't,)—8.

The question then being on the adoption of the same,

The ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, La Chapelle, Newland, Strong, White and Martin (Pres't.)—7.

Those who voted in the negative, were

Messrs. Barber, Heath, Hugunin, Rountree, and Whiton—5.

On motion of Mr. Rountree,

The following entitled bill was considered in committee of the whole;

Mr. Crocker in the chair;

No. 47, (H. of R.) "A bill for the divorce of Rebecca P. Farington from the bonds of matrimony;"

And after some time spent therein, the committee rose and reported back to the council said bill with amendments,

In which amendments the council concurred.

The question then being on ordering said bill to a third reading,

The ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. La Chapelle, Newland, Rountree, and Strong—4.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, White, Whiton, and Martin (Pres't.)—8.

On motion of Mr. Strong,

Bill No. 48, "A bill to provide for the manner of levying and collecting a territorial revenue, was taken up;

And the question being on agreeing to the amendment of the house of representatives to said bill,

The ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Dewey, Heath, La Chapelle, Rountree, Strong, Whiton, and Martin (Pres't.)—7.

Those who voted in the negative, were

Messrs. Barber, Crocker, and Hugunin—3.

The following message from the house of representatives was delivered by the clerk thereof, viz:

Mr. President: I am directed to present for the concurrence of this house, No. 45, "A bill to provide for completing a new roof upon the capitol, and for other purposes."

On motion,

The council took a recess till 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The following entitled bill was taken up and read the first and second time, viz:

No. 45, (H. of R.) "A bill to provide for completing a new roof upon the capitol, and for other purposes."

Mr. Dewey, from the committee on engrossed bills, had leave to report, and he thereupon reported, as correctly engrossed, the following entitled bill, viz:

No. 55, "A bill to organize the town of Pike Grove, in the county of Racine."

On motion of Mr. Barber,

The council resolved itself into a committee of the whole for the consideration of

No. 45, (H. of R.) "A bill to provide for completing a new roof upon the capitol, and for other purposes;"

Mr. Barber in the chair.

After some time, the committee rose and reported back to the council said bill without amendment.

The question then being on ordering said bill to a third reading,

And the ayes and noes being called, it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, Rountree, Strong, White, and Whiton—9.

Those who voted in the negative, were

Messrs. La Chapelle, Newland, and Martin (Pres't.)—3.

Mr. Strong moved, that the rule of the council which forbids the second and third reading of a bill on the same day, be suspended, so far as said bill No. 45, (H. of R.) was concerned;

Which was agreed to;

And, on motion, said bill was read the third time.

The question then being on the passage of said bill,

The ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were
Messrs. Barber, Crocker, Dewey, Heath, Hugunin, Rountree,
Strong, White, and Whiton—9.

Those who voted in the negative, were
Messrs. La Chapelle, Newland, and Martin (Pres't.)—3.
And the title thereof was then agreed to.

On motion of Mr. Dewey,

Bill No. 55, "A bill to organize the town of Pike Grove, in the
county of Racine," was taken up and read the the third time.

Mr. Hugunin obtained the unanimous consent of the council
to amend said bill in the third section, by inserting after the word
"meeting," the following words: "and the general special elec-
tion;" and in the same section, by striking out all after the word
"first," and inserting the following: "Monday of May next, and
the qualified voters of said town are authorized, at said meeting
and election, to elect all the officers authorized by law to be elec-
ted in the several towns in said county;" and in the fifth section,
by striking out the word "after," in the second line, and "April,"
in the third line, and inserting "May."

On motion, the bill was then passed;

And the question being on agreeing to the title thereof,

On motion of Mr. Hugunin,

The same was amended so as to read as follows:

"A bill to organize the town of Pike Grove, in the county of
Racine, and to annex certain lands to the town of Southport, in
said county;"

And the title as amended was then agreed to.

A message from the governor, on executive business, was de-
livered by his private secretary, Mr. Charles Doty.

Mr. Crocker, by leave, presented a petition from citizens of
Milwaukee and Wauwautosa, to alter a territorial road;

Which was referred to the committee on territorial roads.

The following message from the house of representatives was
delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for your signature the
following bills, which have been signed by the speaker of the
house of representatives:

'An act to provide for levying and collecting a territorial reve-
nue;'"

'An act to amend an act entitled an act to change the time of holding courts in certain counties of the second judicial district, and to provide for a change of venue in criminal cases, and for other purposes;'

'An act to amend the several acts relative to the town of Milwaukee;,' also, the following joint resolution:

'Joint resolution relative to the distributive share of Wisconsin in the net proceeds of the public lands.'

The house have also concurred in the amendments of the council, to bill

No. 42, (H. of R.) 'A bill for an act authorizing the governor to offer rewards for the apprehension of criminals in certain cases.'

And for the concurrence of this house:

'Memorial to congress relative to the improvement of the Fox river;'

No. 39, 'A bill for the preservation of timber upon rivers and streams;'

No. 47, 'A bill concerning the time of commencing actions, and for other purposes;'

No. 50, 'A bill to make valid the official acts of George McWilliams, Edwin Hart and Lyman Crossman, justices of the peace.' "

The President signed the acts requiring his signature, referred to in the above message.

Mr. Whiton, from the committee on enrolled bills, reported the following entitled bills as correctly enrolled, to wit:

No. 48, "A bill to provide for levying and collecting a territorial revenue;"

No. 56, "A bill to amend the several acts relative to the town of Milwaukee;"

No. 62, "A bill to amend an act entitled an act to change the time of holding courts in certain counties of the second judicial district, and to provide for a change of venue in criminal cases, and for other purposes;" and

"Joint resolution relative to the distributive share of Wisconsin in the net proceeds of the public lands."

Mr. Dewey, from the committee on engrossed bills, reported as correctly engrossed, the following, viz:.

"Memorial to congress relative to the expenses of the legislative assembly."

On motion of Mr. Dewey,
The memorial was taken up;
And it was then read the third time and passed,
And the title thereof was then agreed to.

On motion of Mr. Strong,
The council adjourned.

FRIDAY, April 14, 1843.

The council met pursuant to adjournment.

The journal of the previous day was read.

The following entitled bills and memorial were taken up, and severally read the first and second time, viz:

No. 49, (H. of R.) "A bill concerning the time of commencing actions, and for other purposes;"

No. 39, (H. of R.) "A bill for the preservation of timber upon rivers and streams;"

No. 50, (H. of R.) "A bill to make valid the official acts of George Mc Williams, Edwin Hart, and Lyman Crossman, justices of the peace;"

No. 2, (H. of R.) "Memorial to congress relative to the improvement of the Fox river."

On motion of Mr. Strong,

Bill No. 49, (H. of R.) was referred to the committee on the judiciary.

On motion of Mr. Dewey,

The rule of the council which forbids bills not analagous in their objects from being considered in committee of the whole at the same time, was suspended, so far as bills No 39, (H. of R.) No. 50, (H. of R.) and memorial No. 2, (H. of R.) just read the first and second time, were concerned;

And thereupon, on motion, the council resolved itself into a

committee of the whole for the consideration of said bills and memorial,

Mr. Strong in the chair.

Pending the consideration thereof, the clerk of the house of representatives being announced, the president resumed the chair, and the following message was received, to wit:

“Mr. President: The house of representatives have adopted the joint report of the committee of conference on ‘Joint resolutions relative to the distribution of American State Papers;’

And have passed a resolution entitled ‘Joint resolution to appoint a committee to cancel certain scrip,’ and have appointed Messrs. Hamilton and Parsons, the committee on their part, under the said resolution; in which I am directed to ask the concurrence of this house.”

The committee of the whole then resumed its session, and after some time rose and reported back to the council bill No. 39, with amendments, and recommended that the same be indefinitely postponed; and bill No. 50, and memorial No. 2, with amendments.

The question being on agreeing to the report of the committee relative to bill No. 39,

On motion of Mr. Whiton,

Said bill was then laid upon the table.

The amendments to bill No. 50, were concurred in,

And the bill, on motion, was ordered to a third reading.

The amendments to memorial No. 2 were not concurred in; and

Mr. La 'Chapelle then moved, that the memorial be indefinitely postponed;

Which was disagreed to;

And the memorial was ordered to a third reading.

Mr. Whiton, from the committee on enrolled bills, made the following report:

“The committee on enrollment report, that they did, on the 13th day of April, 1843, present to his excellency, the governor, for his approval, a bill entitled

‘An act to provide for opening and laying out territorial roads;’

Also, a bill entitled ‘An act to make valid the official acts of Frederick Borchardt, a justice of the peace;’

Also, a bill entitled 'An act concerning removals from office;'

Also, a bill entitled 'An act to provide for levying and collecting a territorial revenue;'

Also, a bill entitled 'An act to amend an act entitled an act to change the time of holding courts in certain counties of the second judicial district, and to provide for a change of venue in criminal cases, and for other purposes;'

Also, a bill entitled 'An act to amend the several acts relative to the town of Milwaukee;'

Also, resolutions entitled 'Joint resolutions relative to the distributive share of Wisconsin, in the net proceeds of the public lands.'

EDWARD V. WHITON,

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

Mr. Whiton, from the committee on enrolled bills, reported the following entitled bill as correctly enrolled, viz:

No. 39, "A bill to amend an act entitled an act to provide for the government of the several towns in this territory, and for the revision of county government."

On motion of Mr. Crocker,

"Joint resolution to appoint a committee to cancel certain scrip," was taken up and adopted; and

Messrs. Crocker and Rountree were appointed a committee on the part of the council, under said joint resolution.

On motion of Mr. Newland,

No. 1, (H. of R.) "Memorial to congress relative to the canal lands," was taken up,

And, on motion, the same was indefinitely postponed.

On motion of Mr. Crocker,

The vote by which the 'Joint resolution to appoint a committee to cancel certain scrip,' was adopted, was reconsidered, and

On motion of Mr. Crocker,

The resolution was amended by inserting the following words: "and also, any territorial bonds, or other evidences of debt on the part of the territory redeemed," between the figures "1842" and the word "and," and by striking out the words "said certificates," and inserting in lieu thereof, the word "same;" and

On motion of Mr. Strong,

The resolution was further amended by adding the following: "and make report to the legislative assembly, of the certificates, bonds, or other evidences of debt so cancelled, designating the number and amounts of the same, and in whose favor issued."

And then the resolution, as amended, was adopted.

On motion of Mr. Strong,

The rule of the council which prohibits bills and resolutions from being read the second and third time the same day, was suspended so far as the following entitled bill and memorial were concerned, viz:

No. 50, (H. of R.) "A bill to make valid the official acts of George McWilliams, Edwin Hart, and Lyman Crossman, justices of the peace;" and

No. 2, (H. of R.) "Memorial to congress relative to the improvement of the Fox river."

The bill and memorial were then severally read the third time, passed, and the titles thereof agreed to.

On motion of Mr. Barber,

The council took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

On motion of Mr. Crocker,

The council proceeded to the consideration of executive business;

And having disposed of the same,

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present the following bills for your signature, which have been signed by the speaker of the house of representatives, to wit:

'An act to amend an act entitled an act to provide for the government of the several towns in this territory, and for the revision of county government;'

'An act to provide for completing a new roof on the capitol, and for other purposes;'

‘An act authorizing the governor to offer rewards for the apprehension of criminals, in certain cases.’

I am further directed to inform you that the house of representatives have concurred in the amendments of this house to the following bill and resolution, viz:

‘Joint resolution to appoint a committee to cancel certain scrip,’ and

‘An act to make valid the official acts of George McWilliams, Edwin Hart, and Lyman Crossman, justices of the peace.’”

The President signed the acts requiring his signature, referred to in the above message.

On motion of Mr. Whiton,

The council took a recess till 7 o’clock, P. M.

SEVEN O’CLOCK, P. M.

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: The house of representatives have concurred in bills of this house with the following titles, with amendments to each, viz:

No. 65, ‘A bill to provide for the payment of the expenses of the legislative assembly;’ and

No. 55, ‘A bill to organize the town of Pike Grove, in the county of Racine, and to annex certain lands to the town of Southport, in said county;’

In whice the concurrence of this house is asked.”

On motion of Mr. Dewey,

Bill No. 65, “A bill to provide for the payment of the expenses of the legislative assembly,”

Was taken up for consideration.

The question being on agreeing to the amendments of the house of representatives to said bill,

A division was had, and each amendment was considered separately, as follows:

The first amendment was concurred in.

The question being on concurring in the second amendment, which is as follows:

"To J. G. Knapp, for reading revised proof of the laws of the session ending February 18th, 1842, and comparing the same with the enrolled bills; also, for reading the revised proof of the reports of supreme court, twenty-one forms, twenty-one dollars;"

The ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. La Chapelle, Newland, Rountree, Strong and White
—5.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, Whiton and Martin, (Pres't,)—7.

The question being on agreeing to the third amendment, which is as follows, viz:

"To J. G. Knapp, for procuring copies of the laws of the session ending February 18th, 1842, and superintending the publication of the same in the Wisconsin Enquirer, twenty-five dollars;"

The ayes and noes were called, and the question was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. La Chapelle, Newland, Rountree, Strong, and White
—5.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, Whiton and Martin, (Pres't,)—7.

The fourth amendment was concurred in.

The council refused to concur in the fifth amendment.

The sixth amendment, being an item for Almon Lull, late librarian, was concurred in with an amendment, adding to said item the following: "when he furnishes the secretary of the territory with a certificate of the superintendent of territorial property, that he has paid the superintendent for all property of the territory by him sold."

On motion of Mr. Strong,

The vote by which the council refused to concur in the fifth amendment, was re-considered; and then,

On motion of Mr. Strong,

The fifth amendment of the house was concurred in.

The seventh, eighth, ninth, and tenth amendments were severally concurred in.

On the question of concurring in the eleventh amendment, which is as follows: "strike out the whole appropriation to John Catlin, for preparing the journal," and insert the following, viz:

"To John Catlin, for preparing the journals of the house of representatives for publication, for the sessions not heretofore published, affixing an index thereto, and superintending the publication of the same, two hundred dollars;"

The ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Dewey, La Chapelle, Newland, Strong and Whiton—5.

Those who voted in the negative, were

Messrs. Barber, Crocker Heath, Hugunin, Rountree, White and Martin, (Pres't,)—7.

On the question of concurring in the twelfth amendment, which was by striking out "fifty dollars," and inserting "seventy-five dollars," in the appropriation to John V. Ingersoll, secretary of the council;

The ayes and noes having been called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Dewey, La Chapelle, Newland, Strong and Whiton—5.

Those who voted in the negative, were

Messrs. Barber, Crocker, Heath, Hugunin, Rountree, White, and Martin, (Pres't,)—7.

On the question of concurring in the thirteenth amendment, made to the item of appropriation to John P. Sheldon, by striking out "one hundred," and inserting "one hundred and twenty-five."

The ayes and noes having been called, it was decided in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, La Chapelle, Newland, Strong, and Whiton—6.

Those who voted in the negative, were

Messrs. Barber, Heath, Hugunin, Rountree, White, and Martin, (Pres't,)—6.

On the question of concurring in the fourteenth amendment of the house, which was by striking out, in the item of appropriation for books for the library, "five hundred dollars," and inserting "three hundred dollars;"

The ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Dewey, Hugunin, Newland, Rountree, and Whiton—6.

Those who voted in the negative, were

Messrs. Crocker, Heath, La Chapelle, Strong, White and Martin, (Pres't,)—6.

On the question of concurring in the fifteenth amendment of the house, which was by striking out all after the word "Lambert," in the item of appropriation to David Lambert, for printing, and inserting "sixty-one dollars and seventy-five cents, for incidental printing;"

The ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Heath, Hugunin and Rountree—3.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, La Chapelle, Newland, Strong, White, Whiton, and Martin, (Pres't,)—9.

On the question of concurring in the sixteenth amendment of the house, which was by adding to the bill the following: "To A. G. Ellis, as speaker of the house of representatives, for the session of December, 1842, and January, 1843, ——"

Mr. Whiton moved to amend the amendment of the house, by adding the following, to wit:

"To Moses M. Strong, for services as president of the council, eighty-four dollars;"

"To Morgan L. Martin, for services as president of the council, eighty-four dollars;"

On which motion, the ayes and noes having been called, it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, La Chapelle, Newland, White, and Whiton—6,

Those who voted in the negative, were

Messrs. Barber, Heath, Hugunin and Rountree—4.

The question then being on agreeing to the amendment, as amended,

The ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, La Chapelle, Newland, White and Whiton—6.

Those who voted in the negative, were

Messrs. Barber, Heath, Hugunin and Rountree—4.

The seventeenth, eighteenth, and nineteenth amendments were then severally concurred in.

The question then being on agreeing to the twentieth amendment,

Mr. Barber presented a communication from I. Washington Bird, in which he offered to transcribe the journals of the legislative assembly for the sum of one hundred and twenty-five dollars.

Mr. Barber then moved to amend the amendment of the house, in the item appropriating two hundred and fifty dollars to J. G. Knapp, for transcribing the journals of the legislative assembly, by striking out the name of "J. G. Knapp," and inserting that of "I. Washington Bird."

Mr. Strong moved to amend the amendment of Mr. Barber, by striking out "I. Washington Bird," and inserting that of "John Delany;"

On which last motion the ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, La Chapelle, Newland, Strong, White, Whiton and Martin, (Pres't,)—8.

Those who voted in the negative, were

Messrs. Barber, Heath, Hugunin and Rountree—4.

The question then recurring on the motion to strike out the name of "J. G. Knapp," and insert that of "John Delany;"

The ayes and noes were called, and it was decided in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Heath, Hugunin, La Chapelle, Newland, Strong, and White—7.

Those who voted in the negative, were

Messrs. Barber, Dewey, Rountree, Whiton, and Martin (President,)—5.

Mr. Barber moved further to amend said item of appropriation by striking out the words "two hundred and fifty dollars," and inserting in lieu thereof, "one hundred and twenty-five dollars;"

And the ayes and noes being called, the motion was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, La Chapelle, Newland, Rountree, White, Whiton, and Martin (Pres't,)—11.

In the negative, Mr. Strong.

Mr. Strong moved further to amend said item, by striking out the words "council and;"

On which motion the ayes and noes were called, and it was determined in the negative, as follows:

In the affirmative, Mr. Strong.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, La Chapelle, Newland, Rountree, White, Whiton, and Martin (Pres't,)—11.

The question then being on agreeing to the amendment, as amended,

And the ayes and noes having been called, it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, La Chapelle, Newland, Strong, and Whiton—5.

Those who voted in the negative, were

Messrs. Barber, Dewey, Heath, Hugunin, Rountree, White, and Martin (Pres't,)—7.

On the question of concurring in the twenty-first amendment of the house, which was an item of appropriation to David Lambert, "for one hundred and fifty papers furnished the executive office, for the use of the governor, thirty-one dollars;"

Mr. Strong moved to strike out the amendment,

Which was disagreed to;

And then the amendment was adopted.

The question being on concurring in the twenty-second amendment of the house,

Mr. Strong moved to amend the same by adding thereto the following, viz:

“To John P. Sheldon, for furnishing the proceedings of the council for publication, one hundred dollars;”

On which motion the ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were
Messrs. La Chapelle and Strong—2.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, Newland, Rountree, White, Whiton, and Martin (Pres’t,)—10.

The twenty-third amendment of the house was then concurred in.

On the question of concurring in the twenty-fourth amendment of the house, which was an item of appropriation “to Charles Doty, for forty-two days services as clerk in the executive office, one hundred and twenty-six dollars;”

The ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were
Messrs. Heath and Martin (Pres’t,)—2.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, Hugunin, La Chapelle, Newland, Rountree, Strong, White, and Whiton—10.

On the question of concurring in the twenty-fifth amendment of the house,

Mr. Whiton moved the following amendment, viz:

“To Sheldon & Hyer, for nine hundred and eighty-one copies of the Wisconsin Democrat, furnished the legislative council during the last and present session, fifty-eight dollars and eighty-six cents;”

And the ayes and noes having been called, the motion was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Dewey, Heath, La Chapelle, Newland, and Whiton—6.

Those who voted in the negative, were
Messrs. Crocker, Hugunin, Rountree, Strong, White, and
Martin (Pres't,)—6.

The said twenty-fifth amendment was then concurred in.

The council refused to concur in the twenty-sixth amendment
of the house.

On motion of Mr. Strong,

The vote by which the council concurred in the twenty-fifth
amendment of the house, was reconsidered.

Mr. Strong then moved, that the vote by which the amendment
moved to the twenty-fifth amendment of the house, was rejected,
be reconsidered;

Upon which motion the ayes and noes were called, and it was
determined in the affirmative, as follows, viz:

Those who voted in the affirmative, were

Messrs. Barber, Dewey, Heath, La Chapelle, Newland, Strong,
White, and Whiton—8.

Those who voted in the negative, were

Messrs. Crocker, Hugunin, Rountree, and Martin (Pres't)—3.

The question then recurring on the said amendment to the
twenty-fifth amendment of the house,

The same was adopted;

And the question then being on concurring in said amendment
of the house, as amended,

The ayes and noes were called, and it was determined in the
affirmative as follows:

Those who voted in the affirmative, were

Messrs. Barber, Dewey, Heath, La Chapelle, Newland, Strong,
and Whiton—7.

Those who voted in the negative, were

Messrs. Crocker, Hugunin, Rountree, White, and Martin (Pre-
sident,)—5.

The twenty-sixth amendment of the house being under consid-
eration;

On motion of Mr. Rountree,

The first blank in said amendment was filled with the figures
"843," and the second blank with the word "fifty," and the third
blank with the word "fifty-eight;"

And said amendment of the house, as amended, was then concurred in.

The twenty-seventh amendment of the house being under consideration;

Mr. Whiton moved to add the following as an amendment thereto, viz:

"To Seth Van Bergen, eighteen dollars and fifty cents, as additional compensation for wood furnished for the use of the legislature."

"To Alfred Boyles, forty dollars and seventy-five cents, as additional compensation for wood furnished for the use of the legislature;"

Which was agreed to,

And said 27th amendment, as amended, was then agreed to.

The question then being on concurring in the amendments of the house, as amended,

The ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Dewey, Heath, La Chapelle, Strong, White, Whiton and Martin, (Pres't,)—8.

Those who voted in the negative, were

Messrs. Hugunin and Rountree—2.

On motion of Mr. Hugunin,

No. 55, "A bill to organize the town of Pike Grove, and to annex certain land to the town of Southport, in the county of Racine," was taken up,

And the amendments of the house were concurred in.

On motion,

The council adjourned.

EXECUTIVE JOURNAL.

FRIDAY, April 14, 1843.

The following message from the governor, delivered yesterday by his private secretary, Mr. Charles Doty, was taken up, viz:

"To the Legislative Council:

I nominate John V. Ingersoll, to be a district attorney for the county of Crawford, in the place of Charles J. Learned, resigned.

J. D. DOTY.

Executive Department, }
Madison, April 13, 1843."

On motion of Mr. Strong,

The council advised and consented to the appointment of John V. Ingersoll, to be district attorney for the county of Crawford.

On motion of Mr. Crocker,

The council advised and consented to the appointment of John Wallace Arndt, to be a notary public for the county of Brown.

SATURDAY, April 15, 1843.

The council met pursuant to adjournment.

Mr. Whiton moved, that the reading of the journal of yesterday be dispensed with;

Which motion was agreed to.

Mr. Whiton, from the committee on enrolled bills, made the following report, viz:

"The committee on enrollment report, that they did, on the 14th day of April, 1843, present to his excellency, the governor, for his approval, a bill entitled 'An act to amend an act entitled an act to provide for the government of the several towns in this territory, and for the revision of county government;' also, a bill entitled 'An act authorizing the governor to offer rewards for the apprehension of criminals in certain cases;' also, a bill entitled 'An act to provide for completing a new roof on the capitol, and for other purposes.'

EDWARD V. WHITON,

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

On motion of Mr. Whiton,
The council took a recess till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Strong, from the committee on the judiciary, to which had been referred bill No. 49, (H. of R.) "A bill concerning the time of commencing actions, and for other purposes," had leave to report;

And he thereupon reported said bill back to the council, and recommended that the same be indefinitely postponed.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have insisted on their second, third, eleventh, fourteenth, fifteenth, twentieth, and twenty-fourth amendments to bill No. 65, (of this house,) 'A bill to provide for the payment of the expenses of the legislative assembly;' have receded from their twelfth and thirteenth amendments; have non-concurred in the amendments of this house to the sixteenth and twenty-seventh amendments of the house of representatives; and have amended the amendments of this house to the sixth, twenty-fifth and twenty-sixth of the amendments of the house of representatives; in which amendments to the amendments of the council, the concurrence of this house is asked."

Mr. Crocker, from the committee on enrolled bills, reported as correctly enrolled, bills and a memorial, with the following titles, viz:

"An act to organize the town of Pike, in the county of Racine, and to annex certain land to the town of Southport, in said county;"

"An act to make valid the official acts of George McWilliams, Edwin Hart, and Lyman Crossman;"

"A memorial to congress relative to the improvement of Fox river."

On motion, bill No. 65, (C.) "A bill to provide for the expenses of the legislative assembly," returned from the house with amendments, was taken up.

Mr. Strong moved, that the council recede from the amendment made to the second amendment of the house to said bill,

being an item to J. G. Knapp of "twenty-one dollars," for "reading revised proof of the laws," &c.

And the ayes and noes having been called, they were as follows:

Those who voted in the affirmative, were

Messrs. La Chapelle, Rountree, Strong, White, and Martin, (Pres't),—5.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin and Whiton—6.

So the council refused to recede from their said amendment.

On motion of Mr. Strong,

A call of the council was ordered, and Mr. Newland was reported absent; and the sergeant-at-arms was directed to inform Mr. Newland that his attendance was required in the council.

Mr. Newland having taken his seat, further proceedings under the call were suspended.

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

I return herewith the bill entitled 'An act to abolish certain offices therein named,' which originated in the council.

The first section abolishes the office of district attorney, and transfers his duties to such attorneys as may be employed by the board of supervisors or county commissioners, in each county.

Those duties are prescribed in the third section of an act concerning the attorney general and district attorneys, and are as follows:

"It shall be the duty of the said district attorneys to prosecute or defend *in all courts of the district* for which they may be respectively appointed, all suits, applications, or motions, whether civil or criminal, in which *the United States, the territory, the county, or any township* is interested or a party, and give their advice to the civil officers of their respective districts, touching any matter in which *the public* have an interest."

The attorney who is to be employed by the board will perform the duty, and receive the pay of an officer. I cannot therefore, and from the character of his duties, but regard him as a *judicial*

or *civil* officer, who must, according to the act of congress to establish the territorial government of Wisconsin, be appointed by the governor and council, and be commissioned by the governor.

Where there are several counties in the same judicial district, it will be impossible to determine which board shall "employ" the attorney to attend to the suits in the district court in which "the United States or the territory may be interested, or a party."

The territorial government ought, in my opinion, to select the person to represent the territory and protect its interests in the courts; and I believe that this power cannot be delegated with safety to those interests.

The 2d section repeals so much of the act above cited as fixes the salary of the attorney general at two hundred and fifty dollars, and declares that he "shall hereafter receive such compensation for his services as the legislative assembly may think proper." If it is intended that the "legislative assembly," as here used, shall be construed to mean *the council and house of representatives*, I must express my dissent to this provision, as it would exclude the governor from a joint participation with them in the exercise of a legislative power conferred upon him and them by the act of congress.

The regulation of the salaries of public officers, involving as it does the amount of taxes to be assessed upon the people, is a measure of vital importance to the public interests, and upon which they are entitled to receive the action of the three branches of the legislature. And I cannot but think that such a provision as this, if it was extended to all the public officers, would affect, if not destroy, their independence. Uncertain pay generally commands only the worst service.

In this provision there is no limitation of the amount which the assembly might think proper to allow for the services of the attorney general; and of course there is no limitation of the amount which the people may be taxed therefor.

For these reasons I cannot approve this bill.

J. D. DOTY.

Executive Department,
Madison, April 14, 1843."}

* The council resumed the consideration of bill No. 65 (C.) and the amendments made by the house thereto.

Mr. Strong moved, that the council insist on its vote, refusing concurrence in the 20th amendment of the house to said bill; being an item for J. G. Knapp, of "two hundred and fifty dollars."

The motion was laid on the table.

On the question, "will the council recede from its disagreement to the 3d amendment of the house?" being an item of "twenty-five dollars" to J. G. Knapp, "for providing copy of the laws," &c.,

The ayes and noes were called, and were as follows:

Those who voted in the affirmative, were

Messrs. La Chapelle, Newland, Rountree, Strong, White, and Martin, (Pres't,)—6.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, and Whiton—6.

So the council refused to recede.

The question, "will the council recede from its disagreement to the 11th amendment of the house?" being an item to John Catlin, "for preparing the journal," &c.,

Was decided in the negative.

The council, on motion, receded from its disagreement to the fourteenth amendment of the house; being an item "for books for the library."

On motion, the council refused to recede from their vote refusing to concur in the fifteenth amendment of the house, being an item for "David Lambert for printing," &c., "sixty-one dollars and seventy-five cents."

On motion, the council refused to recede from their vote, refusing to concur in the twentieth amendment of the house, being an item for J. G. Knapp, "for transcribing the journals," &c.

And the ayes and noes having been called on the question, they were as follows:

Those who voted in the affirmative, were

Messrs. Strong and Whiton—2.

Those who voted in the negative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, La Chapelle, Newland, Rountree and Martin, (Pres't,)—10.

On motion, the council refused to recede from their vote, non-

concurring in the twenty-fourth amendment of the house, being an item for "Charles Doty, as clerk in the executive office."

On motion, the council insisted on their amendment to the sixteenth amendment of the house, being an item to "A. G. Ellis, as speaker of the house of representatives," &c.

On motion, the council insisted on their amendment made to the twenty-seventh amendment of the house, being an item for "William Bird," "for wood," &c.

On motion, the council concurred in the amendment made by the house to an amendment of the council, which had been made by the council to the 6th amendment of the house, being an item to "Almon Lull, late librarian."

On motion, the council refused to concur in the amendment made by the house to the amendment of the council to the twenty-fifth amendment of house, being an item for "W. W. Wyman, for printing," &c., "for the legislative assembly," &c.

And the ayes and noes having been called, they were unanimously given in the negative, as follows:

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, La Chapelle, Newland, Rountree, Strong, White, Whiton, and Martin, (President,)—12.

On motion, the council concurred in the amendment made by the house to the amendment of the council to the twenty-sixth amendment of the house, being an item to "W. W. Wyman, for newspapers furnished the legislative assembly."

On motion of Mr. Whiton,

The message of the governor, containing his objections to the bill entitled "An act to abolish certain offices therein named," was taken up;

And the question being, "Will the council on reconsideration pass the bill?"

The ayes and noes were called, and were as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, La Chapelle, Newland, Rountree, Strong, White, Whiton, and Martin (Pres't,)—10.

Those who voted in the negative, were

Messrs. Heath and Hugunin—2.

So the council, on reconsideration, passed the bill.

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: I am directed to present the following for your signature, to wit:

‘Memorial to congress relative to the improvement of the Fox river;’

‘An act to make valid the official acts of George McWilliams, Edwin Hart, and Lyman Crossman, justices of the peace;’ and

‘An act to organize the town of Pike, in the county of Racine, and to annex certain land to the town of Southport, in said county;’

And to inform you that the house of representatives have concurred in the following memorials and bill of this house, to wit:

‘Memorial to congress relative to the expenses of the legislative assembly;’

‘Memorial of the legislative assembly of Wisconsin, praying that the office of governor of the territory may be made elective by the people;’ and,

No. 50, “A bill concerning the City of the Four Lakes;”

In the first named memorial with amendments, in which the concurrence of this house is asked.

The governor has notified the house of representatives that he has, on this day, approved the following bills, to wit:

‘An act to provide for laying out and opening territorial roads;’ and ‘An act authorizing the governor to offer rewards for the apprehension of criminals in certain cases.”

The President signed the bills referred to in said message as requiring his signature.

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: The house of representatives have passed bills as follows, in which the concurrence of this house is asked, to wit:

No. 23, ‘A bill to amend the eighth section of an act entitled ‘an act to amend an act concerning justices of the peace;’ and

No. 25, ‘A bill to revive the act entitled ‘an act for the relief of insolvent debtors,’ approved January 13th, 1840.’”

Mr. Crocker, from the committee on enrolled bills, made the following report, viz:

"The committee on enrollment report, that they did, on this 15th day of April, present to the governor for his approval, a bill entitled 'An act to organize the town of Pike, in the county of Racine, and to annex certain land to the town of Southport, in said county;' also, a bill entitled 'An act to make valid the official acts of George McWilliams, Edwin Hart, and Lyman Crossman, justices of the peace;' also, a memorial entitled 'A memorial to congress, relative to the improvement of the Fox river.'"

H. CROCKER,

On the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

On motion of Mr. Crocker,

The "Memorial to congress relative to the expenses of the legislative assembly," was then taken up;

And the question being on concurring in the amendments made thereto by the house,

Said amendments were, on motion, concurred in.

On motion of Mr. Strong,

The council went into committee of the whole, for the consideration of bill No. 49, (H. of R.) "A bill entitled an act in relation to certain actions in ejectment;"

Mr. White in the chair.

After some time, the committee rose, reported progress, and asked leave to sit again;

And the committee had leave.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have receded from their non-concurrence in the amendments of this house to 16th and 27th amendments of the house of representatives; and have insisted on their amendment to the 25th amendment of this house to bill No. 65, 'A bill to provide for the payment of the expenses of the legislative assembly;' and have appointed Messrs. Manahan and Elmore a committee of conference on all the disagreeing votes of the two houses relative to the said bill, and I am directed to request the appointment of a similar committee on the part of this house, to which it is proposed to refer the said disagreement.

The house of representatives have concurred in bills of this house, as follows:

No. 64, 'A bill to amend the statutes of this territory relative to the sales of land under execution or mortgage, and to legalize certain conveyances;'

No. 36, 'A bill to repeal an act entitled 'an act to prescribe the mode of proceeding in chancery, and for other purposes, approved 13th January, 1840;'

No. 52, 'A bill in relation to dams on the Manitouwoc river;'

No. 57, 'A bill to amend the act authorizing Samuel H. Farnsworth to build and maintain a dam on the Menominee river.'

In the last three named bills with amendments, in which the concurrence of the council is asked."

Bill No. 65 (C.) "A bill to provide for the payment of the expenses of the legislative assembly," was taken up, and,

Mr. Strong moved that a committee be appointed on the part of the council, to confer with a committee of the house upon the disagreement of the two houses in relation to said bill No. 65.

The motion was agreed to; and,

Messrs. Strong and Newland were appointed said committee.

The message from the house of representatives, embracing bills numbered 36, 57, 52, 33, and 25, was taken up; and,

On motion, the council concurred in the amendment made by the house to bill No. 36, (C.) "A bill to repeal an act entitled 'an act to amend an act entitled an act to prescribe the mode of proceeding in chancery, and for other purposes,' approved 13th January, 1840."

On motion, the council concurred in the amendments made by the house to bill No. 57. (C.) "A bill to amend an act to authorize Samuel H. Farnsworth to build and maintain a dam on the Menominee river."

On motion, the council concurred in the amendment made by the house to bill No. 52, (C.) "A bill in relation to dams on the Manitouwoc river."

The council, on motion, then went into committee of the whole for the consideration of bill No. 23, (H. of R.) "A bill to amend the eighth section of an act entitled an act to amend an act concerning justices of the peace;" and bill No. 25, (H. of R.) "A bill

to revive the act entitled an act for the relief of insolvent debtors," Mr. Rountree in the chair.

After some time the committee rose, and reported bill No. 23, with amendments;

And the question was taken separately on the several amendments, as follows:

On motion, the council concurred in the first amendment to said bill; by which the first section thereof was stricken out and a section inserted in lieu thereof.

The council then concurred in the second amendment of the committee to said bill; by which the words "excepting actions of forcible entry and detainer," were stricken out in the second section.

On motion, the words "change of venue," were then stricken from the proviso in the first section, and the words, "the removal of trial," were inserted in lieu thereof.

Mr. White then moved, that the report of the committee be amended, by striking out the word "five" in the fourth line of the second section, and insert in lieu thereof the word "ten;"

And the motion was agreed to.

Mr. Rountree moved to strike out the enacting clause of the bill;

And the ayes and noes having been called, they were as follows:

Those who voted in the affirmative, were

Messrs. Dewey, La Chapelle, Rountree, Whiton, and Martin, (Pres't,)—5.

Those who voted in the negative, were

Messrs. Barber, Crocker, Heath, Hugunin, and Whiton—5.

So the motion to strike out the enacting clause was lost.

Mr. Whiton then moved, that the second section of the bill be further amended, by striking out the word "ten," and inserting the word "five" in lieu thereof; and also, by striking out the words "exclusive of costs;"

And the ayes and noes being called on said motion to amend, they were as follows, viz:

Those who voted in the affirmative, were

Messrs. Barber, Dewey, La Chapelle, and Whiton—4.

Those who voted in the negative, were
Messrs. Crocker, Heath, Hugunin, Rountree, White, and Martin, (Pres't,)—6.

And the motion was determined in the negative.

Mr. Whiton then moved, that the bill be amended by striking out the words "exclusive of costs," in the second section of said bill;

And the question being on said motion,

Mr. Barber moved to amend the same, by striking out the word "exclusive," and inserting in lieu thereof the word "including;"

And the motion was agreed to.

And the question on agreeing to the amendment as amended, then recurring,

Mr. La Chapelle moved that the bill be indefinitely postponed;

And the ayes and noes having been called,

Those who voted in the affirmative, were

Messrs. Dewey, La Chapelle, Rountree, Whiton, and Martin (Pres't,)—5.

Those who voted in the negative, were

Messrs. Barber, Crocker, Hugunin, and White—4.

So the bill was indefinitely postponed.

On motion, the council took up bill No. 25, (H. of R.) "A bill to revive the act entitled 'an act for the relief of insolvent debtors,' approved January 13th, 1840;" and,

On motion, said bill was indefinitely postponed.

On motion of Mr. Rountree,

The council took a recess till half-past 7 o'clock, P. M.

HALF-PAST SEVEN O'CLOCK, P. M.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

"Mr. President: I am directed to inform the council that seats have been prepared in the representatives' hall for their reception, preparatory to the election of a committee, upon joint ballot, to ascertain the terms upon which a settlement can be made with the Milwaukee and Rock River Canal Company."

On motion, a call of the council was had, and the sergeant-at-arms was sent for the absent members.

The members having taken their seats, further proceedings under the call were dispensed with.

On motion of Mr. Strong,

The council repaired to the representatives' hall, to meet the house in joint convention for the election of a committee of two, by joint ballot, to investigate the affairs of the Milwaukee and Rock River Canal Company, under the joint resolution for that purpose.

Having returned from the joint convention,

Mr. Newland, the teller on the part of the council, had leave to report, and he thereupon reported—

“That the whole number of votes cast in said convention, for the election of a committee under a joint resolution of the two houses, to investigate the affairs of the Milwaukee and Rock River Canal Company, were thirty-six; and that,

Edward V. Whiton received thirty-four votes;

Moses Meeker received eleven votes;

Mason C. Darling received twenty votes;

Albert G. Ellis received one vote;

William S. Hamilton received one vote;

J. H. Manahan received one vote;

Charles M. Baker received one vote;

Col. R. Long one vote;

Blank one vote;

And nineteen votes being a majority of all the votes cast, that Messrs. Whiton and Darling were declared duly elected said committee.”

Mr. Whiton gave notice, that on some future day he should ask leave to introduce a bill entitled “A bill to amend an act entitled ‘an act to organize certain towns in the counties of Racine and Rock.’”

The following messages from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

“To the Legislative Council:

I have approved and signed a bill entitled ‘An act to organize the town of Pike, in the county of Racine, and to annex certain land to the town of Southport, in said county;’

And deposited it in the office of the secretary of the territory.

J. D. DOTY.

Executive Department,
Madison, April 15, 1843."}

"To the Legislative Council:

I have approved and signed a bill entitled 'An act to provide for levying and collecting a territorial revenue,' and a bill entitled 'An act to amend an act entitled 'an act to provide for the government of the several towns in this territory, and for the revision of county government,' and deposited them in the office of the secretary of the territory.

J. D. DOTY.

Executive Department,
Madison, April 15, 1843."}

A message from the governor, on executive business, was also received.

Mr. Newland, from the joint committee of conference on the disagreeing vote of the two houses relative to bill No. 65, "A bill to provide for the payment of the expenses of the legislative assembly," had leave to report, and he thereupon reported as follows, viz:

"The committee of conference, to whom was referred the disagreeing votes of the two houses on bill No. 65, (C.) "A bill to provide for the payment of the expenses of the legislative assembly," report—

That they recommend to the house to recede from their second amendment to the bill;

To the council to concur in the third amendment to the bill;

To the two houses to adopt, as a substitute for the eleventh amendment of the house, the following:—"To John Catlin, for preparing the journals of the house of representatives for publication, for the sessions not heretofore published, affixing an index thereto, and superintending the printing of the same, two hundred dollars."—"To John V. Ingersoll, seventy-five dollars, and to John P. Sheldon one hundred and twenty-five dollars, for preparing the journals of the council for publication, for the sessions not heretofore published, affixing an index thereto, and superintending the of the same;"

To the house to recede from their fifteenth amendment;

To the council to concur in the twentieth amendment of the house, with the following amendment:—strike out “two hundred and fifty dollars,” and insert “one hundred and fifty dollars;”

To the house to recede from the twenty-fourth amendment;

To the council to concur in the twenty-fifth amendment of the house of representatives, with the following amendment, viz:—add thereto—“To Sheldon & Hyer, for nine hundred and eighty-one copies of the Wisconsin Democrat, furnished the legislative council during the last and present session, fifty-eight dollars and eighty-six cents.”—“To Sheldon and Hyer, for incidental printing for the house of representatives from the 12th of April to the close of the present session, inclusive, one hundred and twenty-one dollars and sixty-three cents.”—“To Seth Van Bergen for furnishing, cutting and hauling to the steps of the capitol, for the use of the legislative assembly, five cords of wood, thirteen dollars and fifty cents.”

D. NEWLAND,
MOSES M. STRONG,
JOHN H. MANAHAN,
AND W E. ELMORE.

On motion of Mr. Strong,

The said report was laid on the table.

On motion of Mr. Hugunin,

The council proceeded to the consideration of executive business;

And having disposed of the same,

Mr. La Chapelle asked leave of absence for the remainder of the session;

And, on motion, leave was granted.

On motion of Mr. Strong,

The council resolved itself into a committee of the whole, for the consideration of bill No. 49, (H. of R.) “A bill entitled an act in relation to certain actions in ejectment;”

Mr. Barber in the chair.

After some time the committee rose, and reported back to the council said bill with amendments;

In which amendments the council concurred.

On motion, the rule which precluded a third reading of the bill then, was suspended;

And the bill was then read the third time, passed; and the title thereof agreed to.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have adopted the joint report of the committee of conference on bill No. 65, (of this house,) entitled 'A bill to provide for the payment of the expenses of the legislative assembly.'"

Mr. Whiton, from the committee on enrolled bills, reported as correctly enrolled, the following entitled bills and memorials, viz:

No. 57, "A bill to amend the act authorizing Samuel H. Farnsworth to build and maintain a dam on the Menominee river;"

No. 52, "A bill in relation to dams on the Manitowoc river;"

No. 64, "A bill to amend the statutes of this territory relative to the sales of land under execution or mortgage, and to legalize certain conveyances;"

No. 36, "A bill to repeal parts of certain acts therein named, and for other purposes;"

No. 50, "A bill concerning the City of the Four Lakes;"

"Memorial of the legislative assembly of Wisconsin, praying that the office of governor may be made elective by the people;" and

"Memorial to congress relative to the expenses of the legislative assembly."

On motion of Mr. Strong,

The council proceeded to the consideration of the report of the committee of conference on bill No. 65, "A bill to provide for the payment of the expenses of the legislative assembly;"

And, on motion, said report was adopted.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present the following bills and memorials for your signature, viz:

'An act concerning the City of the Four Lakes;'

'An act to repeal parts of certain acts therein named, and for other purposes;'

‘An act to amend an act authorizing Samuel H. Farnsworth to build and maintain a dam on on the Menominee river;’

‘An act in relation to dams on the Manitouwoc river;’

‘An act to amend the statutes of this territory relative to sales of land under execution or mortgage, and to legalize certain conveyances;’

‘Memorial to congress relative to the expenses of the legislative assembly;’ and

‘Memorial of the legislative assembly of Wisconsin, praying that the office of governor of the territory may be made elective by the people;’

Which have been signed by the speaker of the house of representatives.”

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: The governor has notified the house of representatives that he has on this day approved ‘An act to make valid the official acts of George McWilliams, Edwin Hart and Lyman Crossman, justices of the peace;’ also, a memorial entitled a ‘Memorial to congress relative to the improvement of the Fox river.’

The house of representatives have concurred in bill No. 58, (C.) ‘A bill to provide for the payment of certain territorial debts therein named,’ with sundry amendments; in which they request the concurrence of this house.”

Mr. Whiton, from the committee on enrolled bills, reported as correctly enrolled, bill

No. 65, “A bill to provide for the payment of the legislative expenses.”

The following message from the house of representatives, was delivered by the clerk thereof, viz:

“Mr. President: I am directed to present for your signature, ‘An act to provide for the payment of the expenses of the legislative assembly,’ which has been signed by the speaker of the house of representatives.”

The President signed the act referred to in the above message as requiring his signature.

Bill No. 58, “A bill to provide for the payment of certain territorial debts therein named,” was taken up;

And the question being on concurring in the amendments of the house of representatives to said bill,

On motion of Mr. Whiton,

The bill was laid upon the table.

On motion,

The council adjourned.

EXECUTIVE JOURNAL.

SATURDAY, April 15, 1843.

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

I nominate Benjamin P. Van Court, to be a notary public; and George Delong, to be a justice of the peace, for the county of Racine, Wisconsin.

J. D. DOTY.

Executive Department, }
Madison, April 15, 1843." }

On motion of Mr. Hugunin,

The council advised and consented to the appointment of Benjamin P. Van Court, to be a notary public, and of George Delong, to be a justice of the peace, for the county of Racine.

MONDAY, April 17, 1843.

The council met pursuant to adjournment.

On motion of Mr. Whiton,

The reading of the journal of the previous day was dispensed with.

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

I return herewith the bill entitled 'An act to change the time of holding courts in certain counties of the second judicial district, and to provide for a change of venue in criminal cases, and for other purposes,' without my signature, and state the following objections to it:

The act to which this is amendatory was only passed on the 23d of March last, and I am not aware that any thing has occurred to require an alteration so soon after its passage. I consider the rapidity with which laws are passed, and their provisions changed by amendatory acts, as great evils, which require correction.

If 'writs' or 'process' *have been* instituted since the passage of said act 'of the 23d March,' this bill declares they 'shall be returnable at the term next after the day of issuing the same, anything in the second section of the said act to the contrary notwithstanding.'

This would of course change the return day of a writ already issued, and require the defendant to appear and answer the suit on a day not mentioned in the writ, and of which he had no notice. I do not think this would be just, even if we had the power to require it.

I object to the second section, because it authorizes costs to be taxed without notice to the 'adverse party,' if he, or his attorney, do not reside 'within the county' in which the judgment was rendered.

The third section is deemed unnecessary; ample provision being already made upon the subjects therein mentioned.

J. D. DOTY.

Executive Department, }
Madison, April 15, 1843." }

Which message was read and laid on the table.

Bill No. 62, "An act to amend an act entitled 'an act to change the time of holding courts in certain counties of the second judicial district,' and to provide for a change of venue in criminal cases," was taken up for consideration;

And the question being put, "Will the council on reconsideration pass said bill?"

The ayes and noes were called, and it was decided as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, Heath, Hugunin, La Chappelle, Newland, Rountree, White, Whiton and Martin, (Pres't,) 11.

No member voted in the negative;

So the bill was passed, on reconsideration, by the unanimous vote of the members present.

Mr. Whiton, from the committee on enrolled bills, reported as follows, viz:

"The committee on enrollment report, that they did, on the 15th day of April, 1843, present to his excellency, the governor, for his approval, a bill entitled 'An act in relation to dams on the Manitouwoc river;' also, a bill entitled 'An act to amend an act authorizing Samuel H. Farnsworth to build and maintain a dam on the Menominee river;' also, a bill entitled 'An act to repeal parts of certain acts therein named, and for other purposes;' also, a bill entitled 'An act concerning the City of the Four Lakes;' also, a bill entitled 'An act to amend the statutes of this territory relative to the sales of land under execution or mortgage, and to legalize certain conveyances;' also, a memorial entitled 'Memorial of the legislative assembly of Wisconsin, praying that the office of governor may be made elective by the people;' also, a memorial entitled 'Memorial to congress relative to the expenses of the legislative assembly.'

EDWARD V. WHITON,

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

On motion of Mr. Crocker,

Bill No. 58, "A bill to provide for the payment of certain territorial debts therein named," was taken up;

And the question being on concurring in the amendments of the house of representatives to said bill.

On motion of Mr. Crocker,

The tenth amendment of the house of representatives to said bill, being an item of appropriation to Henry S. Baird of "fourteen dollars and seventeen cents," was amended by adding an item appropriating "fifty-three dollars and seventy-five cents, to William H. Bruce, for interest on territorial bonds."

On motion of Mr. Newland,

The amendment was further amended, by adding an item of appropriation "to Elisha Starr, for printing for the canal company, ten dollars and fifty cents."

The amendment of the house, as amended by the council, was then concurred in.

The question then being on concurring in the remaining amendments of the house, a division was required, and the question was put on each amendment separately; and,

The question then being on concurring in the first amendment of the house, which was an item of appropriation "to John Y. Smith for extra services as building commissioner, forty-five dollars;"

The ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Newland, White, and Whiton—5.

Those who voted in the negative, were

Messrs. Dewey, Heath, Hugunin, La Chapelle, Rountree, and Martin (Pres't,)—6.

The council refused to concur in the second and third amendments of the house.

The question on concurring in the fourth, fifth, and sixth amendments of the house, being items appropriating to Alexander Mitchell "four hundred and twenty-four dollars and thirty cents;" to Arthur Bronson "two hundred and nineteen dollars and six cents;" to Adam E. Ray "ten dollars and seventy-two cents;" for interest on territorial bonds—was then put, and,

The ayes and nays being called, it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Newland, White, Whiton, and Martin (Pres't,)—6.

Those who voted in the negative, were

Messrs. Dewey, Heath, Hugunin, La Chapelle, and Rountree—5.

The seventh, eighth, and ninth amendments of the house were then severally concurred in.

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

I have approved and signed the "Memorial of the legislative assembly of Wisconsin, praying the office of the governor of the territory may be made elective by the people," and bills with the following titles, to wit:

'An act to amend the several acts relative to the town of Milwaukee;'

'An act in relation to dams on the Manitowoc river;'

'An act concerning the City of the Four Lakes;'

'An act to amend the statutes of this territory relative to sales of land under execution or mortgage, and to legalize certain conveyances; and,

'An act to amend an act authorizing Samuel H. Farnsworth to build and maintain a dam on the Menominee river;'

Which are deposited in the office of the secretary of the territory.

J. D. DOTY.

Executive Department, }
Madison, April 17, 1843." }

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have passed a resolution entitled 'Resolution relative to the debts of the territory,' in which I am directed to ask the concurrence of this house."

On motion of Mr. Barber,

The resolution mentioned in the above message was taken up, and adopted.

Mr. Crocker, from the joint committee of the two houses to cancel certain bonds, scrip, &c., under a joint resolution for that purpose, had leave to report, and he thereupon made a report.

On motion of Mr. Crocker,

Ordered, that the secretary transmit said joint report to the house of representatives.

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

The joint resolutions which originated in the council, and which are entitled 'Joint resolutions relative to the distributive share of Wisconsin in the net proceeds of the public lands,' I return here-

with; and respectfully submit the following objections thereto:

The first resolution authorizes 'Joshua Hathaway, of Milwaukee, *receiver of the board of commissioners* of the Milwaukee and Rock river canal,' to receive the sum of one thousand and eighty-two dollars and forty-five cents—the share of Wisconsin above mentioned.

The records of this office show that Mr. George D. Dousman was the person last appointed receiver of said board; and it does not appear that Mr. Hathaway was ever duly appointed to that office and commissioned; or that he has given the *bond and security* required by the statute to be given by the receiver.

The second resolution authorizes 'Joshua Hathaway to pay to Joshua Hathaway and Allen W. Hatch, *the amount of money by them borrowed*, together with the interest thereon, under a joint resolution of the legislative assembly, adopted in December last, entitled a resolution to authorize the register and receiver of the Milwaukee and Rock river canal to borrow certain moneys.'

No such resolution, as the one above cited, ever passed the legislature; and therefore no money could have been borrowed, or liability incurred, on the part of the territory.

If the resolution above alluded to was one which was passed by the members of the council and house of representatives, at their informal meeting 'in December last,' then I object to it—

1st. That the resolution was passed at a session unauthorized by law, and without the sanction of, or presentation to, the three branches into which *the legislative power* of the territory is divided.

2nd. That it is not *a law*; and no money can, or ought to be borrowed on the faith of the people of the territory, or drawn from the treasury, but by law.

3rd. It authorized the borrowing of money *to pay the delinquent taxes* of the settlers on the Milwaukee canal lands, which is not a 'rightful subject of legislation.' The power to borrow money on the faith of the people has not been granted to the legislature.

4th. It is unjust to the citizens of other parts of the territory to tax them to pay the taxes of those settlers.

5th. The canal lands belong to the territory until the consideration for the sale is paid; and the property of the territory is not

liable to taxation. No other interest in the lands but that of the purchaser could be taxed or sold; and that interest is contingent on the payment of the purchase money.

The territory owes nothing to Messrs. Hathaway and Hatch.— They hold no demand against it which we are required to pay.— This money belongs to the territorial treasury, and not to the canal fund; and, in my judgment, should be applied to territorial purposes.

But if there was any authority to tax these lands, the amount of the delinquent tax ought to be taken from the canal fund; and the register and receiver have not done their duty if they have allowed them to be sold, if there was any part of this fund unexpended. If there was none, it was not right for the legislature to remit all of the interest, and to postpone the payment of the principal, due from the purchase of those lands. Certainly this is no reason why the people of the territory should be taxed to supply the deficiency thus created in the fund.

On the whole, it seems that the purchasers of those lands have got the possession of them, by paying only ten per cent. of the purchase money; they occupy and enjoy them as their own, all future payments being indefinitely postponed; and it is now proposed to take money from the territorial treasury, and which belongs to the people of the territory, to pay their taxes.

The council and house of representatives, I am aware, have assumed the exclusive control of the canal fund and lands, by the appointment of the canal board; but I presume they will not deny the right of the executive to resist, by all the constitutional means in his power, any attempt to levy new taxes, or take the money from the treasury for such a purpose. And I cannot but notice the fact, that since these resolutions were introduced, the assembly has found it necessary to meet the demands of the public creditors for debts incurred by the legislature in former years, to pass a law to levy a *direct tax* upon real and personal property, which will, when collected, amount to several thousand dollars. And other laws have been passed at this session, authorizing increased taxation in the towns and counties; and I am unwilling to see them further increased, or to give occasion therefor, by the passage of these resolutions.

J. D. DOTY.

Executive Department, }
Madison, April 15, 1843." }

On motion of Mr. Crocker,

The message and joint resolutions were laid upon the table.

Mr. Crocker submitted the following resolution; which was adopted, viz:

Resolved, by the council and house of representatives of the territory of Wisconsin, that the secretary of the territory be requested to report to the legislative assembly at its next annual session, the amount of bills or drafts by him issued in pursuance of an act entitled "an act to authorize the issuing of drafts or bills for the payment of the expenses of the present session of the legislative assembly," approved February 16th, 1842, and also the amount thereof by him redeemed; and also the amount of certificates by him redeemed, which were issued by the governor and secretary of the territory, in pursuance of the fourth section of an act entitled "an act to provide for the payment of the expenses of the legislative assembly therein named, approved 19th February, 1841."

On motion of Mr. White,

The council took a recess till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to present for the reconsideration and approval of this house, a bill entitled 'An act concerning removals from office,' which has been returned by the governor to the house of representatives with his objections thereto, and which has been reconsidered and passed by the house of representatives—twenty-four members voting for, and one against the bill.

Also, for the concurrence of this house, No. 33, "A bill for the relief of the inhabitants of the town of Fond du Lac."

I am also directed to inform this house that the house of representatives have reconsidered and approved 'An act to abolish certain offices therein named,' which had been returned by the governor to this house with his objections."

The following message from the governor was delivered by his private secretary, Mr. Charles Doty, viz:

"To the Legislative Council:

The bill entitled 'An act to provide for the payment of the expenses of the legislative assembly,' which originated in the council, and was received by me this morning, I return without my signature, and I respectfully state the following objections thereto.

The 117th number of the act of congress of the 18th of May, 1842, provides "that the legislative assembly of no territory shall, hereafter, in any instance, or under any pretext whatever, *exceed* the amount appropriated by congress for its annual expenses."

The appropriation by congress for those expenses for the half year beginning the 1st of January, and ending the 30th of June, 1843, is nineteen thousand two hundred and seventy-five dollars.

The amount appropriated by this bill is \$10,698 97; and the pay and mileage of the members is \$8,683 30; amounting in all to the sum of nineteen thousand three hundred and seventy dollars and twenty-seven cents.

The items for expenses, *previous* to the first of January, amount to six thousand and seventy-one dollars and thirty-five cents.

These appear to me to be palpable violations of the above act of congress.

There are many items in the bill for which no estimate was made by the secretary of the treasury; and also many others which exceed those estimates. Of these I have only time to notice that they amount to more than six thousand dollars.

The estimate for printing for the house, council and executive department, was three thousand dollars; and this bill gives for printing (and for newspapers, for which there was no estimate,) five thousand, two hundred and five dollars and fifty-six cents. I object to this, too, that it does not contain the proper or usual sum for printing for the executive department; and it allows a greater price for printing than that for which other printers offered to do the work. We are required by law, I think, to have the printing done in the cheapest and best manner; and I can discover no justification for rejecting responsible bids, and giving twice the amount for which it could have been executed.

The following items are for the illegal sessions *held in December and January* last; and it must be fully known to every one,

that the application to congress to allow pay for those sessions *was not granted*. They are,

'To Albert G. Ellis, as speaker, the sum of forty-two dollars, for the session of December, 1842, and January, 1843. To Moses M. Strong, for services as president of the council, eighty-four dollars. To Morgan L. Martin, for services as president of the council, eighty-four dollars.'

The act of congress of the 29th of August, 1842, provides, that 'no payment shall be made or allowed, unless the secretary of the treasury shall have estimated therefor, and the object been approved by congress.'

'In the adjustment of said accounts, [of the secretary of the territory,] no charge for the services of a greater number of officers and attendants shall be allowed than for one secretary and assistant secretary, or clerk, one sergeant-at-arms, or door-keeper, one messenger, and one fireman for each house of the legislature.'

All of these provisions are violated by the provisions of this bill; and believing that the officers of the treasury must and will reject them, I cannot but regard them as an addition of their amount to the public debt of the territory created by charges of a similar character in former years.

J. D. DOTY.

Executive Department, }
Madison, April 17, 1843." }

Said message was read and laid on the table.

On motion, a call of the council was had, when Messrs. Hugin and Whiton were reported absent.

The sergeant-at-arms was despatched for the absent members.

On motion of Mr. Crocker,

Further proceedings under the call were dispensed with.

Bill No. 33, (H. of R.) "A bill for the relief of the inhabitants of the town of Fond du Lac," was taken up for consideration; and

On motion of Mr. Crocker,

The council resolved itself into a committee of the whole for the consideration of said bill No. 33,

Mr. Newland in the chair.

After some time, the committee rose and reported back to the council said bill, with amendments;

In which amendments the council concurred.

On motion, the rule of the council which would preclude the third reading of said bill then, was dispensed with;

And said bill was then read the third time.

Mr. Whiton then asked and obtained the unanimous consent of the council to amend said bill, by striking out the preamble;

And the bill, as amended, was then passed.

The question being on agreeing to the title thereof,

On motion of Mr. Whiton,

The same was amended so as to read, "A bill for the relief of the inhabitants of the town of Fond du Lac, and in relation to certain town officers;"

And the title, as amended, was then agreed to.

"An act concerning removals from office," having been returned by the governor without his signature, and with his objections thereto, was taken up for consideration;

And the question being put, "Will the council on reconsideration pass the bill?" it was determined in the affirmative as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, Heath, La Chapelle, Newland, Rountree, White, Whiton, and Martin (Pres't,)—9.

In the negative, Mr. Hugunin.

The following entitled bill having been returned by the governor without his signature, and with his objections thereto, was then taken up for consideration, viz:

"A bill to provide for the payment of the expenses of the legislative assembly;"

And the question being put, "Will the council on reconsideration pass the bill?"

It was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, Heath, Hugunin, La Chapelle, Newland, Rountree, White, and Whiton—9.

In the negative, Mr. Barber.

On motion of Mr. Whiton,

"Joint resolution relative to the distributive share of Wisconsin in the net proceeds of the public land," was taken up for consideration;

Said resolution having been returned by the governor without his signature, and with his objections thereto;

And the question being put, "Will the council on reconsideration pass the resolution?"

It was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, Heath, La Chapelle, Newland, White, and Whiton—8.

Those who voted in the negative, were

Messrs. Hugunin, Rountree, and Martin (Pres't.)—3.

Mr. Crocker moved the adoption of the following resolution, viz:

Resolved, by the council, (the house concurring herein,) that the committee appointed to agree upon the terms of settlement with the Milwaukee and Rock river canal company, be also authorized to examine into the condition of the Wisconsin Marine and Fire Insurance Company; and that they report to the legislative assembly at its next session, the amount of capital stock paid in, the liabilities and resources of said institution and the nature thereof, the number of policies of insurance effected, and what modifications should be effected in their charter which will more effectually protect the creditors of said institution, and generally, the nature and method of business adopted by said company.

Mr. Barber moved that the resolution be amended, by striking out all after the word "therein" in the second line, to the word "the" in the ninth line, and insert the following, viz: "that the Wisconsin Marine and Fire Insurance Company be required to report, under oath of the officers thereof, during the first week of the next session of the legislative assembly;"

On which motion the ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Heath, Hugunin, Rountree and Martin, (President,)—5.

Those who voted in the negative, were

Messrs. Crocker, Dewey, La Chapelle, Newland and White—5.

On motion of Mr. Hugunin,

The resolution was amended, by adding the following proviso:

Provided, that said company shall pay the expenses of such investigation."

The resolution, as amended, was then adopted.

The following message from the house of representatives, was delivered by the clerk thereof, viz:

“Mr. President: The house of representatives have reconsidered and passed ‘An act to amend an act entitled an act to change the time of holding courts in certain counties of the second judicial district, and to provide for a change of venue in criminal cases, and for other purposes,’ which had been returned to this house by the governor, with his objections—twenty-five members voting for, and none against said bill;

And have insisted on their first and second amendments, and concurred in the first and second amendments of this house to the last amendment of the house of representatives to bill No. 58, ‘A bill to provide for the payment of certain territorial debts therein named;’ and have concurred in all the amendments of this house to bill No. 49, ‘A bill concerning the time of commencing actions, and for other purposes.’”

The house of representatives have passed a ‘Resolution relative to printing the laws and journals,’ with amendments, in which I am directed to ask the concurrence of this house.”

On motion of Mr. Rountree,

The joint resolution relative to printing the laws and journals, was taken up,

And the question being on concurring in the amendments of the house to said resolution,

Mr. Rountree moved that the last amendment of the house to the resolution be amended, by adding thereto the following, viz:

“*Resolved further*, that the laws shall be delivered to the superintendent of public property for distribution, by the first day of June next;”

And the motion was agreed to.

On motion of Mr. Newland,

The first amendment of the house to said resolution, was amended by striking out the word “two,” and inserting in lieu thereof, the word “one.”

On motion, a call of the council was made, and

Mr. La Chapelle was reported absent; whereupon,

The sergeant-at-arms was directed to notify Mr. La Chapelle, that his attendance was required by the council.

Mr. La Chapelle having entered and taken his seat, the call was suspended.

The question then being on concurring in the amendments of of the house, as amended,

And the ayes and noes having been called, they were as follows:

Those who voted in the affirmative, were

Messrs. Barber, Heath, Hugunin, Rountree and Whiton—5.

Those who voted in the negative, were

Messrs. Crocker, Dewey, La Chapelle, White, and Martin, (Pres't,)—5.

So the council refused to concur.

Bill No. 58, (C.) "A bill to provide for the payment of certain territorial debts therein named," was taken up; and

The question being, "Will the council recede from its disagreeing vote?" to the first amendment of the house to said bill; being an item of forty-five dollars to John Y. Smith;

The ayes and noes were called, and it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, La Chapelle, and Newland—4.

Those who voted in the negative, were

Messrs. Dewey, Heath, Hugunin, Rountree, White, Whiton, and Martin (Pres't,)—7.

The question was then put "Will the council recede from its disagreeing vote?" to the second and third amendments of the house to said bill, by which an item to Jonathan E. Arnold, of one hundred and five dollars, and an item to Edward V. Whiton, of fifty dollars, were stricken from the bill;

And the ayes and noes having been called on said question, it was determined in the negative, as follows:

Those who voted in the affirmative, were

Messrs. Barber and Whiton—2.

Those who voted in the negative, were

Messrs. Crocker, Dewey, Heath, Hugunin, La Chapelle, Newland, Rountree, and Martin (Pres't,)—8,

Mr. Newland moved, that the council ask a conference by committee, with the house, in relation to the disagreement of the two houses on bill No. 58, (C.) "A bill to provide for the payment of certain territorial debts therein named, and that a committee on the part of the council be appointed for that purpose.

The motion was agreed to, and

Messrs. Newland and Rountree were appointed to be of said committee.

Mr. Whiton submitted the following resolution:

Resolved, if the house of representatives concur, that the sum of forty-two dollars is hereby appropriated to Steptoe Catlin, for forty-two American Almanacs, purchased for the use of the governor and the members of the legislative assembly of this territory, and for the library of said territory;

And Mr. Whiton then moved, that the council adopt said resolution; and

The motion was decided in the affirmative.

Mr. Newland moved, that the council reconsider their vote, by which said resolution was adopted;

And the motion was determined in the negative.

Mr. Barber then called for the ayes and noes on the question of adapting said resolution.

The chair (Mr. Dewey,) decided the call for the ayes and noes on said question to be out of order; whereupon,

Mr. Barber appealed from the decision of the chair;

And the ayes and noes having been called on the question, "Shall the decision of the chair stand as the decision of the council?" they were as follows:

Those who voted in the affirmative, were

Messrs. Heath, Hugunin, Rountree, Whiton, and Martin (President,)—5.

Those who voted in the negative, were

Messrs. Barber, Hugunin, and White—3.

So the decision of the chair was sustained.

Mr. Barber then moved the adoption of the following resolution:

Resolved, by the council and house of representatives of the territory of Wisconsin, that the sum appropriated by a resolution authorizing the purchase of American Almanacs, be paid by the members of the legislative assembly individually.

Mr. Whiton moved, that the motion and resolution be laid on the table;

On which motion, the ayes and noes having been called, it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Dewey, Heath, Rountree, Whiton, and Martin (President,)—5.

Those who voted in the negative, were

Messrs. Barber, Newland, Hugunin, and White—4.

Mr. Barber then moved, that the resolution which he had submitted relative to the American Almanac, and which had been laid on the table, be now taken up for consideration;

And the motion was decided in the negative.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The house of representatives have reconsidered and approved "Joint resolution relative to the distributive share of Wisconsin in the net proceeds of the public lands;" twenty-one members having voted for, and four against the resolution;

And have, on reconsideration, refused to approve "An act to amend an act to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession on said land, approved January 4th, 1840;" fifteen members having voted for, and ten against the bill; both of which had been returned by the governor to this house with his objections thereto.

The house of representatives have appointed Messrs. Thompson and Meeker a committee of conference on their part, to confer with a committee appointed by this house, relative to the disagreement on bill No. 58, "A bill to provide for the payment of the territorial debts therein named;"

And have insisted on their amendments to "Joint resolution relative to printing the laws and journals," and request a conference thereon. Messrs. Hamilton and Meeker having been appointed a committee on their part."

Mr. Crocker moved, that a committee be appointed on the part of the council, to confer with a committee of the house, upon the disagreement of the two houses on the "Resolution relative to printing the laws and journals;"

The motion was agreed to; and

Messrs. Crocker and Dewey were appointed of said committee.

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: The house of representatives have concurred in a resolution of this house, entitled ‘Resolution relative to the report of the secretary of the territory;’ and have reconsidered and passed a bill entitled ‘An act to provide for the payment of the expenses of the legislative assembly’—twenty members voting for, and five against the bill; which bill had been returned to this house by the governor, with his objections; and have concurred in ‘Resolution relative to an examination of the Marine and Fire Insurance Company,’ with an amendment, in which the concurrence of the council is asked.

I am directed to present for the signature of the president, ‘An act concerning the time of commencing actions, and for other purposes.’”

The President signed the bill requiring his signature, referred to in the above message.

The “Resolution relative to an examination of the Marine and Fire Insurance Company,” was then taken up;

The question being on concurring in the amendment made by the house thereto; and pending said question,

Mr. Crocker, by leave, from the committee of conference on the disagreement of the two houses in relation to the “Resolution relative to the printing of the laws and journals,” reported the following resolutions, viz:

Resolved, by the council, (if the house of representatives concur,) that Sheldon & Hyer be, and are hereby authorized to print one hundred and twenty-five copies of the journal of the council, to be delivered to the superintendent of territorial property on or before the first day of the next annual session of the legislative assembly; and fifteen hundred copies of the laws, to be delivered to the said superintendent by the first day of June next; and five hundred extra copies of the ‘Act to amend an act to provide for the government of the several towns in this territory, and for the revision of county government,’ to be distributed by the said superintendent among the several towns of this territory, on or before the 15th day of July. 1843.

Resolved further, That W. W. Wyman be, and he is hereby authorized to print one hundred and twenty-five copies of the journal of the house of representatives, to be delivered to the said superintendent on or before the first day of the next annual session of the legislative assembly.

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: The house of representatives have adopted the joint report of the committee of conference to which was referred the ‘Resolution relative to printing the laws and journals.’”

On motion, the question was taken on adopting the “Resolutions relative to printing the laws and journals,” reported by the committee of conference; and it was determined in the affirmative.

So the resolutions were adopted.

The question then recurred on concurring in the amendment made by the house to “Resolution relative to an examination of the Marine and Fire Insurance Company;” by which the following was stricken out of said resolution; to wit: “*Provided*, that said company shall pay the expenses of such investigation;” and,

A call of the council was had, and Messrs. White and La Chapelle reported absent; whereupon,

The sergeant-at-arms was directed to inform Messrs. White and La Chapelle that their attendance was required in the council.

On motion of Mr. Newland,

Further proceedings under the call were suspended.

The question being on concurring in the amendment of the house to said resolution,

The ayes and noes were called, and it was determined in the affirmative, as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Dewey, Newland, Rountree and Martin, (President,)—5.

Those who voted in the negative, were

Messrs. Barber, Heath and Hugunin—3.

Mr. Newland made the following report, viz:

“The committee of conference, to whom was referred the disagreeing vote of the two houses on bill No. 58, ‘A bill to provide for the payment of certain territorial debts therein named,’ report:

“That they recommend the council to recede from its first amendment, and that the house recede from its disagreement to the second and third amendments.

Respectfully submitted.

D. NEWLAND,
J. THOMPSON,
M. MEEKER.”

And the question being on the adoption of said report,

The ayes and noes were called, and were as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Hugunin, Newland, and Martin (Pres't,)—4.

Those who voted in the negative, were

Messrs. Barber, Dewey, Heath, and Rountree—4.

So the council refused to adopt the report.

On motion of Mr. Dewey,

The council took a recess till half-past 7 o'clock, P. M.

HALF-PAST SEVEN O'CLOCK, P. M.

On motion, a call of the council was ordered,

And Mr. Newland was reported absent, whereupon,

The sergeant at arms was directed to notify Mr. Newland that his attendance was required in the council;

And Mr. Newland having taken his seat, further proceedings under the call were suspended.

Mr. Rountree moved, that the vote by which the council had refused to adopt the report of the committee of conference, relative to the disagreement of the two houses on bill No. 58, “A bill to provide for the payment of certain territorial debts therein named,” be reconsidered;

And the motion was agreed to.

The question then recurring on the adoption of said report,

The ayes and noes were called thereon, and were as follows:

Those who voted in the affirmative, were

Messrs. Crocker, Hugunin, La Chapelle, Newland, White and Martin, (Pres't,)—6.

Those who voted in the negative, were

Messrs. Barber, Dewey, Heath, and Rountree—4.

So the report was adopted.

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: The governor has notified the house of representatives that he has on this day approved 'An act to provide for laying out the several territorial roads therein named;' and 'An act to provide for completing a new roof upon the capitol, and for other purposes.'

I am directed to present for your signature, 'An act for the relief of the inhabitants of the town of Fond du Lac, and in relation to town officers;'

And to inform the council that the joint report of the committee of conference relative to the disagreement on bill No. 58, 'A bill to provide for the payment of certain territorial debts therein named,' has been adopted by the house of representatives.

I am directed to present for the concurrence of this house 'Resolution concerning the purchase of stationery for the next session of the legislature;'

And to inform you that a resolution relative to the purchase of American Almanacs has been negatived by the house of representatives."

Mr. Newland moved, that the council resolve itself into a committee of the whole for the consideration of a "Resolution concerning the purchase of stationery for the next session of the legislative assembly;"

And the motion was decided in the negative.

A call of the council was ordered, and

Mr. Rountree was reported absent, and the sergeant-at-arms was direct to inform Mr. Rountree that his attendance was required.

Mr. Rountree having taken his seat, further proceedings under the call were dispensed with.

Mr. Crocker, from the committee on enrolled bills, reported as correctly enrolled, the following, viz:

"Joint resolution relative to the distribution of American State Papers;" also,

"A bill to provide for the payment of certain territorial debts therein named."

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: I am directed to present for your signature, ‘An act to provide for the payment of certain territorial debts therein named;’ and ‘Joint resolution relative to the distribution of American State Papers.’”

And the president signed the act and joint resolution referred to in the above message.

Mr. Crocker, from the committee on enrolled bills, made the following report, viz:

“The committee on enrollment report, that they did on this seventeenth day of April, present to the governor for his approval, a bill entitled ‘An act to provide for the payment of certain territorial debts therein named.’

H. CROCKER,

On the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house.”

On motion, the council took up the resolution from the house, entitled “Resolution concerning the purchase of stationery for the next session of the legislative assembly;”

And the question being on the adoption of said resolution,

Mr. White moved that the same be indefinitely postponed;

And the ayes and noes being called on the question, they were as follows:

Those who voted in the affirmative, were

Messrs. Barber, Crocker, Dewey, La Chapelle, Rountree, White and Whiton—7.

Those who voted in the negative, were

Messrs. Heath, Hugunin, Newland, and Martin, (Pres’t,)—4.

So the resolution was indefinitely postponed.

The following message from the house of representatives was delivered by the clerk thereof, viz:

“Mr. President: The house of representatives have appointed Messrs. Darling and Platt a committee on their part, to join with a like committee on the part of this house, to inform his excellency the governor, that the two houses have completed the business before them, and are now ready to adjourn; and to ask him if he has any further communication to make to them.”

Mr. Whiton, from the committee on enrolled bills, made the following report, viz:

"The committee on enrollment report, that they did on the 17th day of April, 1843, present to his excellency the governor for his approval, a bill entitled 'A bill to provide for laying out several territorial roads therein named;' also, a bill entitled 'An act to provide for the payment of the expenses of the legislative assembly;' also, a bill entitled 'An act concerning the time of commencing actions, and for other purposes;' also, a bill entitled 'An act for the relief of the inhabitants of the town of Fond du Lac, and in relation to town officers.'

EDWARD V. WHITON,

Chairman of the committee on the part of the council.

ROBERT M. LONG,

Chairman of the committee on the part of the house."

Mr. Crocker moved, that a committee of two be appointed on the part of the council, to unite with a similar committee on the part of the house, for the purpose of informing the governor of the territory that the two houses have terminated their business, and to ask him if he has any further communications to make to them.

The motion was agreed to, and

Messrs. Crocker and Heath were appointed of said committee on the part of the council.

Mr. Crocker, from the said committee, reported, "That the committee appointed to inform the governor that the two houses had completed the business before them, had performed the duties assigned them, and that the governor had informed the committee that he had no further communications to make to the legislative assembly."

The following message from the house of representatives was delivered by the clerk thereof, viz:

"Mr. President: I am directed to inform the council, that the house of representatives have completed the business before them, and are now ready to adjourn."

On motion of Mr. Dewey,

Ordered, that the secretary of the council inform the house that the council have completed the business before them, and are now ready to adjourn.

Mr. Rountree submitted the following resolution, which was unanimously adopted, viz:

Resolved, That the thanks of the council are tendered to the Hon. M. L. Martin, for the able and impartial manner in which he has presided over the deliberations of this body during the present session.

Mr. Rountree then moved that the council do now adjourn *sine die*; and,

The motion having been decided in the affirmative,

The President declared the council adjourned, *sine die*.